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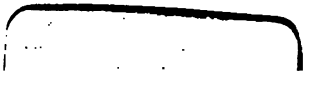

THE

WORKS OF EDMUND BURKE.

IN NINE VOLUMES.

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TO

HIS MOST CHRISTIAN MAJESTY,

CHARLES X^TH,

KING OF FRANCE AND NAVARRE.

SIRE,

YOUR majesty's most gracious acceptance of a copy of the Works of Mr. Burke, and your condescension in permitting this last volume * of those works to be inscribed with your majesty's name, would alone amply remunerate the editor for all his pains and labors in preparing them for the press; but he is confident, that your majesty will concede to him, that the greatest gratification he can derive from his labors is to be found in the reflection, that mankind will be benefited by the publication of sentiments, religious, moral, and political, which will tend to enlighten both princes and subjects upon their respective duties.

In presenting to your majesty this work, may I presume to point out, in a few words, its six principal

* Vol. VIII. 4to Edition.

features.—1st, American Taxation—2d, A system of Economy in the Public Expenditure, combined with additional security for the Independence of Parliament —3d, East Indian Delinquency—4th, French Revolution—5th, Emancipation of Roman Catholic Subjects of this Kingdom—6th, Abolition of Negro Slavery.

Whilst your majesty admires the efforts of Mr. Burke's genius both in resisting lawless power, and in correcting popular errors, you will recognise and adore the goodness of that divine Providence, which is, perhaps, in no respect more conspicuous than in giving existence, as occasion may require, to human talents, and to other instruments adequate to the purposes of its mysterious dispensations.

Of these instruments the virtues of princes are among the most noble. May those of your majesty and of your family be the blessing of your people. When, after the close of a reign which I pray God may be long and prosperous, your majesty's subjects shall have reaped the fruits of your majesty's experience, and inflexible adherence to the principles so clearly developed and so ably enforced by this great writer, the merits of the sage and of the prince will be justly appreciated.

Deign, Sire, to accept the homage of my most per-

fect respect, and the assurance of my fervent vows for the welfare of your majesty, and of your most august family ; and permit me to subscribe myself,

SIRE,

Your majesty's most obedient,

and most humble servant,

WALKER ROCHESTER.

ADVERTISEMENT.

THE account which is here given of what passed in the House of Lords and in the House of Commons, relative to the Report of the Committee of the Commons appointed to inspect the Journals of the Lords, was, through inadvertency, omitted to be published together with that Report, at the end of the seventh volume, 4to edition.

THE preceding Report was ordered to be printed for the use of the members of the House of Commons, and was soon afterwards reprinted and published, in the shape of a pamphlet, by a London bookseller. In the course of a debate, which took place in the House of Lords on Thursday the 22d of May, 1794, on the Treason and Sedition Bills, Lord Thurlow took occasion to mention "a pamphlet which, his lordship said, was published by one Debrett, of Piccadilly, and which had that day been put into his hands, reflecting highly upon the Judges and many members of that House; this pamphlet was, he said, scandalous and indecent, and such as he thought ought not to pass unnoticed. He considered the villifying and misrepresenting the conduct of judges and magistrates, entrusted with the administration of justice and the laws of the country, to be a crime of a very heinous nature, and most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and that when it was stated to the ignorant or the wicked,

that their judges and magistrates were ignorant and corrupt, it tended to lessen their respect for and obedience to the laws themselves, by teaching them to think ill of those who administered them." On the next day Mr. Burke called the attention of the House of Commons to this matter, in a speech to the following effect:

"Mr. Speaker,—The license of the present times makes it very difficult for us to talk upon certain subjects in which parliamentary order is involved. It is difficult to speak of them with regularity, or to be silent with dignity and wisdom. All our proceedings have been constantly published, according to the discretion and ability of individuals out of doors, with impunity, almost ever since I came into parliament. By usage, the people have obtained something like a prescriptive right to this abuse. I do not justify it; but the abuse is now grown so inveterate, that to punish it without previous notice would have an appearance of hardship, if not injustice. The publications I allude to are frequently erroneous as well as irregular, but they are not always so; what they give as the reports and resolutions of this House have sometimes been given correctly. And it has not been uncommon to attack the proceedings of the House itself under color of attacking these irregular publications. Notwithstanding, however, this colorable plea, this House has, in some instances, proceeded to punish the persons who have thus insulted it. You will here too remark, Sir, that when a complaint is made of a piratical edition of a work, the authenticity of the original work is admitted, and whoever attacks the matter of the work itself in these unauthorized publications, does not attack it less than if he had attacked it in an edition authorized by the writer.

"I understand, Sir, that in a place which I greatly respect, and by a person for whom I have likewise a great veneration, a pamphlet published by a Mr. Debrett has been very heavily censured. That pamphlet, I hear, (for I have not read it,)

purports to be a Report made by one of your committees to this House. It has been censured (as I am told) by the person and in the place I have mentioned, in very harsh and very unqualified terms. It has been there said (and so far very truly) that at all times, and particularly at this time, it is necessary for the preservation of order and the execution of the law, that the characters and reputation of the judges of the courts in Westminster Hall should be kept in the highest degree of respect and reverence; and that in this pamphlet, described by the name of a libel, the characters and conduct of those judges upon a late occasion have been aspersed, as arising from ignorance or corruption.

"Sir, combining all the circumstances, I think it impossible not to suppose that this speech does not reflect upon a Report which, by an order of the committee on which I served, I had the honor of presenting to this House. For any thing improper in that Report I am responsible, as well as the members of the committee, to this House, and to this House only. The matters contained in it, and the observations upon them, are submitted to the wisdom of the House, that you may act upon both in the time and manner that to your judgment may seem most expedient; or that you may not act upon them at all, if you should think that most expedient for the pubic good. Your committee has obeyed your orders; it has done its duty in making that Report.

"I am of opinion, with the eminent person by whom that Report is censured, that it is necessary at this time very particularly that the authority of judges should be preserved and supported. This, however, does not depend so much upon us as upon themselves. It is necessary to preserve the dignity and respect of all the constitutional authorities. This, too, depends in part upon ourselves. It is necessary to preserve the respect due to the House of Lords; it is full as necessary to preserve the respect due to the House of Commons; upon which (whatever may be thought of us by some persons) the weight and force of all other authorities

within this kingdom essentially depend. If the power of the House of Commons be degraded or enervated, no other can stand. We must be true to ourselves. We ought to animadvert upon any of our members who abuse the trust we place in them; we must support those who, without regard to consequences, perform their duty.

"With regard to the matter which I am now submitting to your consideration, I must say for your committee of managers and for myself, that the Report was deliberately made, and does not, as I conceive, contain any very material error, nor any undue or indecent reflection upon any person or persons whatever. It does not accuse the judges of ignorance or corruption. Whatever it says, it does not say calumniously. That kind of language belongs to persons whose eloquence entitles them to a free use of epithets. The Report states, that the judges had given their opinions secretly, contrary to the almost uninterrupted tenor of parliamentary usage on such occasions. It states, that the mode of giving the opinions was unprecedented, and contrary to the privileges of the House of Commons. It states, that the committee did not know upon what rules and principles the judges had decided upon those cases, as they neither heard their opinions delivered, nor have found them entered upon the journals of the House of Lords. It is very true, that we were and are extremely dissatisfied with those opinions, and the consequent determinations of the lords; and we do not think such a mode of proceeding at all justified by the most numerous and the best precedents. None of these sentiments is the committee, as I conceive, (and I feel as little as any of them,) disposed to retract, or to soften in the smallest degree.

"The Report speaks for itself. Whenever an occasion shall be regularly given to maintain every thing of substance in that paper, I shall be ready to meet the proudest name for ability, learning, or rank, that this kingdom contains, upon that subject. Do I say this from any confidence in myself? Far from it. It is from my confidence in our cause, and in the

ability, the learning, and the constitutional principles, which this House contains within itself, and which I hope it will ever contain; and in the assistance which it will not fail to afford to those, who with good intention do their best to maintain the essential privileges of the House, the ancient law of parliament, and the public justice of this kingdom."

No reply or observation was made on the subject by any other member, nor was any farther notice taken of it in the House of Lords.

SPEECHES

IN THE IMPEACHMENT OF

WARREN HASTINGS, Esquire.

TRIAL

OF

WARREN HASTINGS, ESQUIRE.

WEDNESDAY, 28TH MAY, 1794.

FIRST DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—This business which has so long employed the public councils of this kingdom, so long employed the greatest and most august of its tribunals, now approaches to a close. The wreck and fragments of our cause (which has been dashed to pieces upon rules by which your lordships have thought fit to regulate its progress) await your final determination. Enough, however, of the matter is left to call for the most exemplary punishment, that any tribunal ever inflicted upon any criminal; and yet, my lords, the prisoner, by the plan of his defence, demands not only an escape, but a triumph. It is not enough for him to be acquitted, the Commons of Great Britain must be condemned; and your lordships must be the instruments of his glory, and of our disgrace. This is the issue upon which he has put this cause, and the issue upon which we are obliged to take it now, and to provide for it hereafter.

My lords, I confess that at this critical moment I feel myself oppressed with an anxiety, that no words can adequately express. The effect of all our labors, the result of all our

inquiries, is now to be ascertained. You, my lords, are now to determine, not only whether all these labors have been vain and fruitless, but whether we have abused so long the public patience of our country, and so long oppressed merit, instead of avenging crime. I confess I tremble, when I consider that your judgment is now going to be passed, not on the culprit at your bar, but upon the House of Commons itself, and upon the public justice of this kingdom, as represented in this great tribunal. It is not that culprit who is upon trial, it is the House of Commons that is upon its trial, it is the House of Lords that is upon its trial, it is the British nation that is upon its trial before all other nations, before the present generation, and before a long, long posterity.

My lords, I should be ashamed, if at this moment I attempted to use any sort of rhetorical blandishments whatever. Such artifices would neither be suitable to the body that I represent, to the cause which I sustain, or to my own individual disposition upon such an occasion. My lords, we know very well what these fallacious blandishments too frequently are. We know that they are used to captivate the benevolence of the court, and to conciliate the affections of the tribunal rather to the person than to the cause. We know that they are used to stifle the remonstrances of conscience in the judge, and to reconcile it to the violation of his duty. We likewise know, that they are too often used in great and important causes (and more particularly in causes like this) to reconcile the prosecutor to the powerful factions of a protected criminal, and to the injury of those who have suffered by his crimes; thus inducing all parties to separate in a kind of good humor, as if they had nothing more than a verbal dispute to settle, or a slight quarrel over a table to compromise. All this may now be done at the expense of the persons whose cause we pretend to espouse. We may all part, my lords, with the most perfect complacency, and entire good humor towards one another; while nations, whole suffering nations, are left to

beat the empty air with cries of misery and anguish, and to cast forth to an offended heaven the imprecations of disappointment and despair.

One of the counsel for the prisoner (I think it was one who has comported himself in this cause with decency) has told your lordships, that we have come here on account of *some doubts* entertained in the House of Commons, concerning the conduct of the prisoner at your bar; that we shall be extremely delighted when his defence, and your lordships' judgment shall have set him free, and shall have discovered to us our error; that we shall then mutually congratulate one another, and that the Commons, and the managers who represent them here, will be the first to rejoice in so happy an event, and so fortunate a discovery.

Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times farther from them, as far as from pole to pole, be the whole tribe of false, spurious, affected, counterfeit, hypocritical virtues. These are the things which are ten times more at war with real virtue, these are the things which are ten times more at war with real duty, than any vice known by its name, and distinguished by its proper character.

My lords, far from us, I will add, be that false and affected candor, that is eternally in treaty with crime; that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is to a just man's eye an odious and disgusting thing. There is no middle point, in which the Commons of Great Britain can meet tyranny and oppression. No; we never shall (nor can we conceive that we ever should) pass from this bar, without indignation, without rage and despair, if the House of Commons should, upon such a defence as has here been made against such a charge as they have produced, be foiled, baffled, and defeated. No, my lords, we never could forget it; a long, lasting, deep, bitter memory of it would sink into our minds.

My lords, the Commons of Great Britain have no doubt upon this subject. We came hither to call for justice, not to solve a problem: and if justice be denied us, the accused is not acquitted, but the tribunal is condemned. We know, that this man is guilty of all the crimes which he stands accused of by us. We have not come here to you, in the rash heat of a day, with that fervor which sometimes prevails in popular assemblies, and frequently misleads them. No; if we have been guilty of error in this cause, it is a deliberate error; the fruit of long, laborious inquiry; an error founded on a procedure in parliament, before we came here; the most minute, the most circumstantial, and the most cautious, that ever was instituted. Instead of coming, as we did in Lord Strafforde's case, and in some others, voting the impeachment, and bringing it up on the same day, this impeachment was voted from a general sense prevailing in the House of Mr. Hastings's criminality, after an investigation begun in the year 1780, and which produced, in 1782, a body of resolutions condemnatory of almost the whole of his conduct. Those resolutions were formed by the Lord Advocate of Scotland, and carried in our House by the unanimous consent of all parties. I mean the then Lord Advocate of Scotland, now one of his majesty's principal secretaries of state, and at the head of this very Indian department.

Afterwards, when this defendant came home in the year 1785, we reinstituted our inquiry. We instituted it, as your lordships and the world know, at his own request made to us by his agent then a member of our House. We entered into it at large; we deliberately moved for every paper, which promised information on the subject. These papers were not only produced on the part of the prosecution, as is the case before grand juries; but the friends of the prisoner produced every document, which they could produce for his justification. We called all the witnesses, which could enlighten us in the cause, and the friends of the prisoner likewise called every witness, that could possibly throw any light in his

favor. After all these long deliberations, we referred the whole to a committee. When it had gone through that committee, and we thought it in a fit state to be digested into these charges, we referred the matter to another committee, and the result of that long examination and the labor of these committees is the impeachment now at your bar.

If therefore we are defeated here, we cannot plead for ourselves, that we have done this from a sudden gust of passion, which sometimes agitates and sometimes misleads the most grave popular assemblies. No; it is either the fair result of twenty-two years deliberation that we bring before you; or what the prisoner says is just and true;—that nothing but malice in the Commons of Great Britain could possibly produce such an accusation as the fruit of such an inquiry. My lords, we admit this statement, we are at issue upon this point, and we are now before your lordships, who are to determine whether this man has abused his power in India for fourteen years, or whether the Commons have abused their power of inquiry, made a mock of their inquisitorial authority, and turned it to purposes of private malice and revenge. We are not come here to compromise matters, we do not admit that our fame, our honors, nay, the very inquisitorial power of the House of Commons is gone, if this man be not guilty.

My lords, great and powerful as the House of Commons is, (and great and powerful I hope it always will remain,) yet we cannot be insensible to the effects produced by the introduction of forty millions of money into this country from India. We know, that the private fortunes which have been made there pervade this kingdom so universally, that there is not a single parish in it unoccupied by the partisans of the defendant. We should fear, that the faction which he has thus formed by the oppression of the people of India would be too strong for the House of Commons itself, with all its power and reputation, did we not know, that we have brought before you a cause which nothing can resist.

I shall now, my lords, proceed to state what has been al-

ready done in this cause, and in what condition it now stands for your judgment.

An immense mass of criminality was digested by a committee of the House of Commons; but although this mass had been taken from another mass still greater, the House found it expedient to select twenty specific charges, which they afterwards directed us their managers to bring to your lordships' bar. Whether that which has been brought forward on these occasions, or that which was left behind, be more highly criminal, I for one, as a person most concerned in this inquiry, do assure your lordships that it is impossible for me to determine.

After we had brought forward this cause, (the greatest in extent that ever was tried before any human tribunal, to say nothing of the magnitude of its consequences,) we soon found, whatever the reasons might be, without at present blaming the prisoner, without blaming your lordships, and far are we from imputing blame to ourselves, we soon found that this trial was likely to be protracted to an unusual length. The managers of the Commons, feeling this, went up to their constituents to procure from them the means of reducing it within a compass fitter for their management and for your lordships' judgment. Being furnished with this power, a second selection was made upon the principles of the first; not upon the idea, that what we left could be less clearly sustained, but because we thought a selection should be made upon some juridical principle. With this impression on our minds, we reduced the whole cause to four great heads of guilt and criminality. Two of them, namely, Benares and the Begums, show the effects of his open violence and injustice; the other two expose the principles of pecuniary corruption, upon which the prisoner proceeded; one of these displays his passive corruption in receiving bribes, and the other his active corruption, in which he has endeavored to defend his passive corruption, by forming a most formidable faction both abroad and at home. There is hardly any

one act of the prisoner's corruption, in which there is not presumptive violence; nor any acts of his violence, in which there are not presumptive proofs of corruption. These practices are so intimately blended with each other, that we thought the distribution which we have adopted would best bring before you the spirit and genius of his government; and we were convinced, that, if upon these four great heads of charge your lordships should not find him guilty, nothing could be added to them which would persuade you so to do.

In this way and in this state, the matter now comes before your lordships. I need not tread over the ground, which has been trod with such extraordinary abilities by my brother managers; of whom I shall say nothing more, than that the cause has been supported by abilities equal to it; and, my lords, no abilities are beyond it. As to the part which I have sustained in this procedure, a sense of my own abilities, weighed with the importance of the cause, would have made me desirous of being left out of it; but I had a duty to perform which superseded every personal consideration, and that duty was obedience to the House, of which I have the honor of being a member. This is all the apology I shall make. We are the Commons of Great Britain, and therefore cannot make apologies. I can make none for my obedience; they want none for their commands. They gave me this office, not from any confidence in my ability, but from a confidence in the abilities of those who were to assist me, and from a confidence in my zeal,—a quality, my lords, which oftentimes supplies the want of great abilities.

In considering what relates to the prisoner and to his defence, I find the whole resolves itself into four heads. First, his demeanor and his defence in general: secondly, the principles of his defence: thirdly, the means of that defence; and, fourthly, the testimonies which he brings forward to fortify those means, to support those principles, and to justify that demeanor.

As to his demeanor, my lords, I will venture to say, that,

if we fully examine the conduct of all prisoners brought before this high tribunal, from the time that the Duke of Suffolk appeared before it, down to the time of the appearance of my Lord Macclesfield; if we fully examine the conduct of prisoners in every station of life, from my Lord Bacon down to the smugglers who were impeached in the reign of King William, I say, my lords, that we shall not, in the whole history of parliamentary trials, find any thing similar to the demeanor of the prisoner at your bar. What could have encouraged that demeanor, your lordships will, when you reflect seriously upon this matter, consider. God forbid that the authority either of the prosecutor or of the judge should dishearten the prisoner, so as to circumscribe the means or enervate the vigor of his defence. God forbid that such a thing should even appear to be desired by any body in any British tribunal. But, my lords, there is a behavior which broadly displays a want of sense, a want of feeling, a want of decorum; a behavior which indicates an habitual depravity of mind, that has no sentiments of propriety, no feeling for the relations of life, no conformity to the circumstances of human affairs. This behavior does not indicate the spirit of injured innocence, but the audacity of hardened, habitual, shameless guilt; affording legitimate grounds for inferring a very defective education, very evil society, or very vicious habits of life. There is, my lords, a nobleness in modesty; while insolence is always base and servile. A man who is under the accusation of his country is under a very great misfortune. His innocence indeed may at length shine out like the sun, yet for a moment it is under a cloud; his honor is in abeyance; his estimation is suspended; and he stands, as it were, a doubtful person in the eyes of all human society. In that situation, not a timid, not an abject, but undoubtedly a modest behavior would become a person, even of the most exalted dignity, and of the firmest fortitude.

The Romans (who were a people that understood the de-

corum of life as well as we do) considered a person accused to stand in such a doubtful situation, that from the moment of accusation he assumed either a mourning, or some squalid garb; although, by the nature of their constitution, accusations were brought forward by one of their lowest magistrates. The spirit of that decent usage has continued from the time of the Romans till this very day. No man was ever brought before your lordships, that did not carry the outward as well as inward demeanor of modesty, of fear, of apprehension, of a sense of his situation, of a sense of our accusation, and a sense of your lordships' dignity.

These, however, are but outward things; they are, as Hamlet says, "things which a man may play." But, my lords, this prisoner has gone a great deal further than being merely deficient in decent humility. Instead of defending himself, he has, with a degree of insolence unparalleled in the history of pride and guilt, cast out a recriminatory accusation upon the House of Commons. Instead of considering himself as a person already under the condemnation of his country, and uncertain whether or not that condemnation shall receive the sanction of your verdict, he ranks himself with the suffering heroes of antiquity. Joining with them, he accuses us, the representatives of his country, of the blackest ingratitude, of the basest motives, of the most abominable oppression, not only of an innocent, but of a most meritorious individual, who, in your and in our service, has sacrificed his health, his fortune, and even suffered his fame and character to be called in question, from one end of the world to the other. This, I say, he charges upon the Commons of Great Britain; and he charges it before the Court of Peers of the same kingdom. Had I not heard this language from the prisoner, and afterwards from his counsel, I must confess I could hardly have believed that any man could so comport himself at your lordships' bar.

After stating in his defence the wonderful things he did for us, he says, "I maintained the wars which were of your

formation, or that of others, *not of mine.* I won one member of the great Indian confederacy from it, by an act of seasonable restitution; with another, I maintained a secret intercourse, and converted him into a friend; a third, I drew off by diversion and negotiation, and employed him as the instrument of peace. When *you* cried out for peace, and your cries were heard by those who were the objects of it, I resisted this and every other species of counteraction, by rising in my demands, and accomplished a peace, and I hope an everlasting one, with one great state; and I at least afforded the efficient means by which a peace, if not so durable, more seasonable at least, was accomplished with another. I gave you *all;* and you have rewarded me with *confiscation, disgrace, and a life of impeachment.*"

Comparing our conduct with that of the people of India, he says, "*They* manifested a generosity, of which we have no example in the European world. Their conduct was the effect of their sense of gratitude for the benefits they had received from my administration. I wish I could say as much of my own countrymen."

My lords, here then we have the prisoner at your bar in his demeanor not defending himself, but recriminating upon his country; charging it with perfidy, ingratitude, and oppression, and making a comparison of it with the banyans of India, whom he prefers to the Commons of Great Britain.

My lords, what shall we say to this demeanor? With regard to the charge of using him with ingratitude, there are two points to be considered. First, the charge implies that he had rendered great services; and secondly, that he has been falsely accused.

My lords, as to the great services, they have not, they cannot come in evidence before you. If you have received such evidence, you have received it obliquely; for there is no other direct proof before your lordships of such services, than that of there having been great distresses and great calamities in India, during his government. Upon these distresses and

calamities, he has, indeed, attempted to justify obliquely the corruption that has been charged upon him: but you have not properly in issue these services. You cannot admit the evidence of any such services received directly from him, as a matter of recriminatory charge upon the House of Commons, because you have not suffered that House to examine into the validity and merit of this plea. We have not been heard upon this recriminatory charge, which makes a considerable part of the demeanor of the prisoner; we cannot be heard upon it; and therefore I demand, on the part of the Commons of Great Britain, that it be dismissed from your consideration; and this I demand, whether you take it as an attempt to render odious the conduct of the Commons; whether you take it in mitigation of the punishment due to the prisoner for his crimes; or whether it be adduced as a presumption, that so virtuous a servant never could be guilty of the offences with which we charge him. In whichever of these lights you may be inclined to consider this matter, I say you have it not in evidence before you; and therefore you must expunge it from your thoughts, and separate it entirely from your judgment. I shall hereafter have occasion to say a few words on this subject of *merits*. I have said thus much at present, in order to remove extraneous impressions from your minds. For admitting that your lordships are the best judges, as I well know that you are, yet I cannot say that you are not men, and that matter of this kind, however irrelevant, may not make an impression upon you. It does, therefore, become us to take some occasional notice of these supposed services, not in the way of argument, but with a view by one sort of prejudice to destroy another prejudice. If there is any thing in evidence which tends to destroy this plea of merits, we shall recur to that evidence; if there is nothing to destroy it but argument, we shall have recourse to that argument; and if we support that argument by authority and document, not in your lordships' minutes, I

hope it will not be the less considered as good argument, because it is so supported.

I must now call your lordships' attention from the vaunted services of the prisoner, which have been urged to convict us of ingratitude, to another part of his recriminatory defence. He says, my lords, that we have not only oppressed him with unjust charges, (which is a matter for your lordships to judge, and is now the point at issue between us,) but that instead of attacking him by fair judicial modes of proceeding, by stating crimes clearly and plainly, and by proving those crimes, and showing their necessary consequences, we have oppressed him with all sorts of foul and abusive language; so much so, that every part of our proceeding has, in the eye of the world, more the appearance of private revenge, than of public justice.

Against this impudent and calumnious recriminatory accusation, which your lordships have thought good to suffer him to utter here, at a time too when all dignity is in danger of being trodden under foot, we will say nothing by way of defence. The Commons of Great Britain, my lords, are a rustic people; a tone of rusticity is therefore the proper accent of their managers. We are not acquainted with the urbanity and politeness of extortion and oppression: nor do we know any thing of the sentimental delicacies of bribery and corruption. We speak the language of truth, and we speak it in the plain, simple terms in which truth ought to be spoken. Even if we have any thing to answer for on this head, we can only answer to the body which we represent and to that body which hears us; to any others we owe no apology whatever.

The prisoner at your bar admits that the crimes which we charge him with are of that atrocity, that if brought home to him he merits death. Yet when in pursuance of our duty, we come to state these crimes with their proper criminatory epithets, when we state in strong and direct terms the circumstances which heighten and aggravate them, when we

dwell on the immoral and heinous nature of the acts, and the terrible effects which such acts produce, and when we offer to prove both the principal facts, and the aggravatory ones by evidence, and to show their nature and quality by the rules of law, morality, and policy, then this criminal, then his counsel, then his accomplices and hirelings, posted in newspapers and dispersed in circles through every part of the kingdom, represent him as an object of great compassion; because he is treated, say they, with nothing but opprobrious names and scurrilous invectives.

To all this the managers of the Commons will say nothing by way of defence, it would be to betray their trust if they did. No, my lords, they have another and a very different duty to perform on this occasion. They are bound not to suffer public opinion, which often prevents judgment and often defeats its effects, to be debauched and corrupted. Much less is this to be suffered in the presence of our coordinate branch of legislature, and as it were with your and our own tacit acquiescence. Whenever the public mind is misled, it becomes the duty of the Commons of Great Britain to give it a more proper tone and a juster way of thinking. When ignorance and corruption have usurped the professor's chair, and placed themselves in the seats of science and of virtue, it is high time for us to speak out. We know that the doctrines of folly are of great use to the professors of vice. We know that it is one of the signs of a corrupt and degenerate age, and one of the means of insuring its further corruption and degeneracy, to give mild and lenient epithets to vices and to crimes. The world is much influenced by names. And as terms are the representatives of sentiments, when persons who exercise any censorial magistracy seem in their language to compromise with crimes and criminals, by expressing no horror of the one or detestation of the other, the world will naturally think that they act merely to acquit themselves in its sight in form, but in reality to evade their duty. Yes, my lords, the world must think, that such per-

sons palter with their sacred trust, and are tender to crimes, because they look forward to the future possession of the same power, which they now prosecute, and purpose to abuse it in the manner it has been abused by the criminal of whom they are so tender.

To remove such an imputation from us, we assert, that the Commons of Great Britain are not to receive instructions about the language which they ought to hold, from the gentlemen who have made profitable studies in the academies of Benares and of Oude. We know, and therefore do not want to learn, how to comport ourselves in prosecuting the haughty and overgrown delinquents of the East. We cannot require to be instructed by them, in what words we shall express just indignation at enormous crimes; for we have the example of our great ancestors to teach us. We tread in their steps and we speak in their language.

Your lordships well know, for you must be conversant in this kind of reading, that you once had before you a man of the highest rank in this country, one of the greatest men of the law, and one of the greatest men of the state, a peer of your own body, Lord Macclesfield. Yet, my lords, when that peer did but just modestly hint, that he had received hard measure from the Commons and their managers, those managers thought themselves bound *seriatim* one after another, to express the utmost indignation at the charge, in the harshest language that could be used. Why did they do so? They knew it was the language that became them. They lived in an age in which politeness was as well understood and as much cultivated, as it is at present; but they knew what they were doing, and they were resolved to use no language but what their ancestors had used, and to suffer no insolence which their ancestors would not have suffered. We tread in their steps; we pursue their method; we learn of them; and we shall never learn at any other school.

We know from history and the records of this House, that a Lord Bacon has been before you. Who is there, that upon

hearing this name does not instantly rscognise every thing of genius the most profound, every thing of literature the most extensive, every thing of discovery the most penetrating, every thing of observation on human life the most distinguishing and refined? All these must be instantly recognised, for they are all inseparably associated with the name of Lord Verulam. Yet when this prodigy was brought before your lordships, by the Commons of Great Britain, for having permitted his menial servant to receive presents, what was his demeanor? Did he require his counsel not "to let down the dignity of his defence?" No. That Lord Bacon whose least distinction was, that he was a Peer of England, a Lord High Chancellor, and the son of a Lord Keeper, behaved like a man who knew himself; like a man who was conscious of merits of the highest kind; but who was at the same time conscious of having fallen into guilt. The House of Commons did not spare him. They brought him to your bar. They found spots in that sun. And what, I again ask, was his behavior? That of contrition, that of humility, that of repentance, that which belongs to the greatest men lapsed and fallen through human infirmity into error. He did not hurl defiance at the accusations of his country, he bowed himself before it, yet with all his penitence he could not esuape the pursuit of the House of Commons, and the inflexible justice of this court. Your lordships fined him £40,000, notwithstanding all his merits; notwithstanding his humility; notwithstanding his contrition; notwithstanding the decorum of his behavior, so well suited to a man under the prosecution of the Commons of England, before the Peers of England. You fined him in a sum fully equal to £100,000 of the present day. You imprisoned him during the king's pleasure; and you disqualified him for ever from having a seat in this House, and any office in this kingdom. This is the way, in which the Commons behaved formerly, and in which your lordships acted formerly; when no culprit at this bar dared to hurl a recriminatory accusation against

his prosecutors, or dared to censure the language in which they expressed their indignation at his crimes.

The Commons of Great Britain, following these examples and fortified by them, abhor all compromise with guilt either in act or in language. They will not disclaim any one word that they have spoken; because, my lords, they have said nothing abusive or illiberal. It has been said, that we have used such language as was used to Sir Walter Raleigh, when he was called, not by the Commons, but by a certain person of a learned profession, "a spider of hell." My lords, Sir Walter was a great soldier, a great mariner, and one of the first scholars of his age. To call him a spider of hell, was not only indecent in itself, but perfectly foolish, from the term being totally inapplicable to the object, and fit only for the very pedantic eloquence of the person who used it. But if Sir Walter Raleigh had been guilty of numberless frauds and prevarications; if he had clandestinely picked up other men's money, concealed his peculation by false bonds, and afterwards attempted to cover it by the cobwebs of the law, then my Lord Coke would have trespassed a great deal more against decorum than against propriety of similitude and metaphor.

My lords, the managers for the Commons have not used any *inapplicable* language. We have indeed used, and will again use, such expressions as are proper to portray guilt. After describing the magnitude of the crime, we describe the magnitude of the criminal. We have declared him to be not only a public robber himself, but the head of a system of robbery; the captain general of the gang; the chief under whom a whole predatory band was arrayed, disciplined, and paid. This, my lords, is what we offered to prove fully to you, what in part we have proved, and the whole of which, I believe, we could prove. In developing such a mass of criminality, and in describing a criminal of such magnitude, as we have now brought before you, we could not use lenient epithets, without compromising with crime. We there-

fore shall not relax in our pursuits, nor in our language. No, my lords, no; we shall not fail to feel indignation wherever our moral nature has taught us to feel it, nor shall we hesitate to speak the language which is dictated by that indignation. Whenever men are oppressed where they ought to be protected, we called it tyranny; and we call the actor a tyrant. Whenever goods are taken by violence from the possessor, we call it a robbery; and the person who takes it, we call a robber. Money clandestinely taken from the proprietor, we call theft; and the person who takes it, we call a thief. When a false paper is made out to obtain money, we call the act a forgery. That steward who takes bribes from his master's tenants, and then, pretending the money to be his own, lends it to that master and takes bonds for it to himself, we consider guilty of a breach of trust; and the person who commits such crimes, we call a cheat, a swindler, and a forger of bonds. All these offences, without the least softening, under all these names, we charge upon this man. We have so charged in our record, we have so charged in our speeches; and we are sorry that our language does not furnish terms of sufficient force and compass to mark the multitude, the magnitude, and the atrocity of his crimes.

How came it, then, that the Commons of Great Britain should be calumniated for the course which they have taken? Why should it ever have been supposed that we are actuated by revenge? I answer there are two very sufficient causes: corruption and ignorance. The first disposes an innumerable multitude of people to a fellow feeling with the prisoner. Under the shadow of his crimes thousands of fortunes have been made; and therefore thousands of tongues are employed to justify the means by which these fortunes were made. When they cannot deny the facts, they attack the accusers; they attack their conduct, they attack their persons, they attack their language, in every possible manner. I have said, my lords, that ignorance is the other cause of this calumny by which the House of Commons is assailed. Ignorance pro-

duces a confusion of ideas concerning the decorum of life, by confounding the rules of private society with those of public function. To talk, as we here talk, to persons in a mixed company of men and women, would violate the law of such societies; because they meet for the sole purpose of social intercourse, and not for the exposure, the censure, the punishment of crimes; to all which things private societies are altogether incompetent. In them crimes can never be regularly stated, proved, or refuted. The law has therefore appointed special places for such inquiries; and if in any of those places we were to apply the emollient language of drawing rooms to the exposure of great crimes, it would be as false and vicious in taste and in morals, as to use the criminatory language of this hall, in drawing and assembling rooms would be misplaced and ridiculous. Every one knows, that in common society palliating names are given to vices. Adultery in a lady is called gallantry: the gentleman is commonly called a man of good fortune, sometimes in French and sometimes in English. But is this the tone which would become a person, in a court of justice, calling these people to an account for that horrible crime, which destroys the basis of society? No, my lords; this is not the tone of such proceedings. Your lordships know that it is not; the Commons know that it is not; and because we have acted on that knowledge, and stigmatized crimes with becoming indignation, we are said to be actuated rather by revenge than justice.

If it should still be asked, why we show sufficient acrimony to excite a suspicion of being in any manner influenced by malice or a desire of revenge; to this, my lords, I answer, because we would be thought to know our duty, and to have all the world know how resolutely we are resolved to perform it. The Commons of Great Britain are not disposed to quarrel with the Divine wisdom and goodness, which has moulded up revenge into the frame and constitution of man. He, that has made us what we are, has made us at once resentful and reasonable. Instinct tells a man, that he ought to

revenge an injury; reason tells him, that he ought not to be a judge in his own cause. From that moment revenge passes from the private to the public hand; but in being transferred it is far from being extinguished. My lords, it is transferred as a sacred trust to be exercised for the injured, in measure and proportion by persons who, feeling as he feels, are in a temper to reason better than he can reason. Revenge is taken out of the hands of the original injured proprietor, lest it should be carried beyond the bounds of moderation and justice. But, my lords, it is in its transfer exposed to a danger of an opposite description. The delegate of vengeance may not feel the wrong sufficiently; he may be cold and languid in the performance of his sacred duty. It is for these reasons, that good men are taught to tremble even at the first emotions of anger and resentment for their own particular wrongs; but they are likewise taught, if they are well taught, to give the loosest possible rein to their resentment and indignation, whenever their parents, their friends, their country, or their brethren of the common family of mankind are injured. Those, who have not such feelings under such circumstances, are base and degenerate. These, my lords, are the sentiments of the Commons of Great Britain.

Lord Bacon has very well said, that "revenge is a kind of wild justice." It is so, and without this wild austere stock, there would be no justice in the world. But when by the skilful hand of morality and wise jurisprudence a foreign scion, but of the very same species, is grafted upon it, its harsh quality becomes changed, it submits to culture, and laying aside its savage nature it bears fruits and flowers, sweet to the world, and not ungrateful even to Heaven itself, to which it elevates its exalted head. The fruit of this wild stock is revenge regulated, but not extinguished; revenge transferred from the suffering party to the communion and sympathy of mankind. This is the revenge by which we are actuated, and which we should be sorry if the false, idle,

girlish, novel-like morality of the world should extinguish in the breast of us, who have a great public duty to perform.

This sympathetic revenge, which is condemned by clamorous imbecility, is so far from being a vice, that it is the greatest of all possible virtues; a virtue which the uncorrupted judgment of mankind has in all ages exalted to the rank of heroism. To give up all the repose and pleasures of life, to pass sleepless nights, and laborious days, and, what is ten times more irksome to an ingenuous mind, to offer oneself to calumny and all its herd of hissing tongues and poisoned fangs, in order to free the world from fraudulent prevaricators, from cruel oppressors, from robbers and tyrants, has I say the test of heroic virtue, and well deserves such a distinction. The Commons, despairing to attain the heights of this virtue, never lose sight of it for a moment. For seventeen years they have, almost without intermission, pursued, by every sort of inquiry, by legislative and by judicial remedy, the cure of this Indian malady, worse ten thousand times than the leprosy which our forefathers brought from the East. Could they have done this, if they had not been actuated by some strong, some vehement, some perennial passion, which, burning like the vestal fire, chaste and eternal, never suffers generous sympathy to grow cold in maintaining the rights of the injured, or in denouncing the crimes of the oppressor?

My lords, the managers for the Commons have been actuated by this passion; my lords, they feel its influence at this moment; and so far from softening either their measures or their tone, they do here, in the presence of their Creator, of this House, and of the world, make this solemn declaration, and nuncupate this deliberate vow; that they will ever glow with the most determined and unextinguishable animosity against tyranny, oppression, and peculation in all, but more particularly as practised by this man in India; that they never will relent, but will pursue and prosecute him and it, till they see corrupt pride prostrate under the feet of justice. We call upon your lordships to join us; and we have no

doubt that you will feel the same sympathy that we feel, or (what I cannot persuade my soul to think, or my mouth to utter,) you will be identified with the criminal whose crimes you excuse, and rolled with him in all the pollution of Indian guilt, from generation to generation. Let those who feel with me upon this occasion join with me in this vow; if they will not, I have it all to myself.

It is not to defend ourselves, that I have addressed your lordships at such length on this subject. No, my lords; I have said what I considered necessary to instruct the public, upon the principles which induced the House of Commons to persevere in this business with a generous warmth, and in the indignant language which nature prompts, when great crimes are brought before men who feel as they ought to feel upon such occasions.

I now proceed, my lords, to the next recriminatory charge, which is *delay*. I confess I am not astonished at this charge. From the first records of human impatience, down to the present time, it has been complained that the march of violence and oppression is rapid; but that the progress of remedial and vindictive justice, even the divine, has almost always favored the appearance of being languid and sluggish. Something of this is owing to the very nature and constitution of human affairs; because, as justice is a circumspect, cautious, scrutinizing, balancing principle, full of doubt even of itself, and fearful of doing wrong even to the greatest wrong doers, in the nature of things its movements must be slow, in comparison with the headlong rapidity with which avarice, ambition, and revenge, pounce down upon the devoted prey of those violent and destructive passions. And indeed, my lords, the disproportion between crime and justice, when seen in the particular acts of either, would be so much to the advantage of crimes and criminals, that we should find it difficult to defend laws and tribunals, (especially in great and arduous cases like this,) if we did not look, not to the *immediate*, not the *retrospective*, but to the *provident* operation of justice.

Its chief operation is in its future example; and this turns the balance, upon the total effect, in favor of vindictive justice, and in some measure reconciles a pious and humble mind to this great, mysterious dispensation of the world.

Upon the charge of delay in this particular cause, my lords, I have only to say, that the business before you is of immense magnitude. The prisoner himself says, that all the acts of his life are committed in it. With a due sense of this magnitude, we know that the investigation could not be short to us, nor short to your lordships; but when we are called upon, as we have been daily, to sympathize with the prisoner in that delay, my lords, we must tell you, that we have no sympathy with him. Rejecting, as we have done, all false, spurious, and hypocritical virtues, we should hold it to be the greatest of all crimes, to bestow upon the oppressors that pity which belongs to the oppressed. The unhappy persons who are wronged, robbed, and despoiled, have no remedy but in the sympathies of mankind; and when these sympathies are suffered to be debauched, when they are perversely carried from the victim to the oppressor, then we commit a robbery still greater than that which was committed by the criminal accused.

My lords, we do think this process long, we lament it in every sense in which it ought to be lamented; but we lament still more that the Begums have been so long without having a just punishment inflicted upon their spoiler. We lament that Cheit Sing has so long been a wanderer, while the man who drove him from his dominions is still unpunished. We are sorry that Nobkissen has been cheated of his money for fourteen years, without obtaining redress. These are our sympathies, my lords, and thus we reply to this part of the charge.

My lords, there are some matters of fact in this charge of delay, which I must beg your lordships will look into. On the 19th of February, 1789, the prisoner presented a petition to your lordships, in which he states, after many other com-

plaints, that a great number of his witnesses were obliged to go to India, by which he has lost the benefit of their testimony; and that a great number of your lordships' body were dead, by which he has lost the benefit of their judgment.

As to the hand of God, though some members of your House may have departed this life since the commencement of this trial, yet the body always remains entire. The evidence before you is the same; and therefore there is no reason to presume that your final judgment will be affected by these afflicting dispensations of Providence. With regard to his witnesses, I must beg to remind your lordships of one extraordinary fact. This prisoner has sent to India, and obtained, not testimonies, but testimonials to his general good behavior. He has never once applied, by commission or otherwise, to falsify any one fact that is charged upon him. No, my lords, not one; therefore that part of his petition, which states the injury he has received from the Commons of Great Britain, is totally false and groundless; for if he had any witnesses to examine, he would not have failed to examine them. If he had asked for a commission to receive their depositions, a commission would have been granted; if, without a commission, he had brought affidavits to facts, or regular recorded testimony, the Commons of Great Britain would never have rejected such evidence, even though they could not have cross-examined it.

Another complaint is, that many of his witnesses were obliged to leave England, before he could make use of their evidence. My lords, no delay in the trial has prevented him from producing any evidence, for we were willing that any of his witnesses should be examined at any time most convenient to himself. If many persons connected with his measures are gone to India, during the course of his trial, many others have returned to England. Mr. Larkins returned; was the prisoner willing to examine him? No; and it was nothing but downright shame, and the presumptions which he knew would be drawn against him, if he did not

call this witness, which finally induced him to make use of his evidence. We examined Mr. Larkins, my lords; we examined all the prisoner's witnesses; your lordships have their testimony; and down to this very hour, he has not put his hand upon any one, whom he thought a proper and essential witness to the facts, or to any part of the cause, whose examination has been denied him; nor has he even stated, that any man, if brought here, would prove such and such points. No; not one word to this effect has ever been stated by the prisoner.

There is, my lords, another case, which was noticed by my honorable fellow manager yesterday. Mr. Belli, the confidential secretary of the prisoner, was agent and contractor for stores; and this raised a suspicion, that the contracts were held by him for the prisoner's advantage. Mr. Belli was here during the whole time of the trial, and six weeks after we had closed our evidence. We had then no longer the arrangement of the order of witnesses, and he might have called whom he pleased. With the full knowledge of these circumstances, that witness did he suffer to depart for India, if he did not even encourage his departure. This, my lords, is the kind of damage, which he has suffered by the want of witnesses, through the protraction of this trial.

But the great and serious evil which he complains of, as being occasioned by our delay, is of so extraordinary a nature, that I must request your lordships to examine it with extraordinary strictness and attention. In the petition before your lordships, the prisoner asserts, that he was under the necessity, through his counsel and solicitors, "of collecting and collating from the voluminous records of the company the whole history of his public life, in order to form a complete defence to every allegation, which the Honorable House of Commons had preferred against him; and that he has expended upwards of thirty thousand pounds in preparing the materials of his defence."

It is evident, my lords, that the expenditure of this

£30,000 is not properly connected with the delay of which he complains; for he states, that he had incurred this loss merely in collecting and collating materials, previous to his defence before your lordships. If this were true, and your lordships were to admit the amount as a rule and estimate by which the aggregate of his loss could be ascertained; the application of the rule of three to the sum and time given, would bring out an enormous expenditure in the long period which has elapsed since the commencement of the trial; so enormous, that if this monstrous load of oppression has been laid upon him by the delay of the Commons, I believe no man living can stand up in our justification. But, my lords, I am to tell your lordships some facts, into which, we trust, *you* will inquire; for this business is not in our hands, nor can we lay it as a charge before you. Your own journals have recorded the document, in which the prisoner complains bitterly of the House of Commons, and indeed of the whole judicature of the country; a complaint which your lordships will do well to examine.

When we first came to a knowledge of this petition, which was not till some time after it was presented, I happened to have conversation with a noble lord, I know not whether he be in his place in the House or not; but I think I am not irregular in mentioning his name. When I mention Lord Suffolk, I name a peer, whom honor, justice, veracity, and every virtue that distinguishes the man and the peer, would claim for their own. My Lord Suffolk told me, that, in a conversation with the late Lord Dover, who brought the prisoner's petition into your House, he could not refrain from expressing his astonishment at that part of the petition, which related to the expense Mr. Hastings had been at; and particularly as a complaint had been made in the House, of the enormous expense of the prosecution, which at that time had only amounted to £14,000, although the expense of the prosecutor is generally greater than that of the defendant, and public proceedings more expensive than private ones. Lord

Dover said, that before he presented the petition he had felt exactly in the same manner; but that Mr. Hastings assured him, that £6,000 had been paid to copying clerks in the India House, and that from this circumstance he might judge of the other expenses. Lord Dover was satisfied with this assurance; and presented the petition, which otherwise he should have declined to do, on account of the apparent enormity of the allegation it contained. At the time when Lord Suffolk informed me of these particulars, (with a good deal of surprise and astonishment,) I had not leisure to go down to the India House in order to make inquiries concerning them; but I afterwards asked the secretary, Mr. Hudson, to whom *we* had given a handsome reward, what sums he had received from Mr. Hastings, for his services upon this occasion; and the answer was "not one shilling!" Not one shilling had Mr. Hudson received from Mr. Hastings. The clerks of the company informed us, that the court of directors had ordered, that every paper which Mr. Hastings wanted should be copied for him gratuitously; and that if any additional clerks were wanting for the effectual execution of his wishes, the expense would be defrayed by the directors. Hearing this account, I next inquired what *expedition-money* might have been given to the clerks, for we know something of this kind is usually done. In reply to this question, Mr. Hudson told me, that at various times they had received in little driblets to the amount of £95, or thereabouts. In this way the account stood when I made this inquiry, which was at least half a year after the petition had been presented to your lordships. Thus the whole story of the £6,000 was absolutely false. At that time there was not one word of truth in it, whatever be the amount of the sums which he has paid since. Your lordships will now judge, whether you have been abused by false allegations or not; allegations which could scarcely admit of being true, and which upon the best inquiry I found absolutely false: and I appeal to the testimony of the noble lord, who is now living, for the truth of the account he re-

ceived from the worthy and respectable peer, whose loss the nation has to bewail.

There are many other circumstances of fraud and falsehood attending this petition; — (we must call things by their proper names, my lords,) — there are, I say, many circumstances of fraud and falsehood. We know it to have been impossible at the time of presenting this petition, that this man should have expended £30,000 in the preparation of materials for his defence, and your lordships' justice together with the credit of the House of Commons are concerned in the discovery of the truth. There, is indeed, an ambiguous word in the petition. He asserts, that he is *engaged* for the payment of that sum. We asked the clerks of the India House, whether he had given them any bond, note, security, or promise of payment; they assured us, that he had not: they will be ready to make the same assurance to your lordships, when you come to inquire into this matter, which before you give judgment we desire and claim that you will do. All is concealment and mystery on the side of the prisoner; all is open and direct with us. We are desirous that every thing which is concealed may be brought to light.

In contradiction then to this charge of oppression and of an attempt to ruin his fortune, your lordships will see, that at the time when he made this charge he had not been in fact, nor was for a long time after, one shilling out of pocket. But some other person had become security to his attorney for him.—What then are we to think of these men of business, of these friends of Mr. Hastings, who, when he is possessed of nothing, are contented to become responsible for £30,000? (Was it £30,000 out of the Bullock Contracts?) responsible I say for this sum, in order to maintain this suit previous to its actual commencement; and who consequently must be so engaged for every article of expense that has followed from that time to this.

Thus much we have thought it necessary to say upon this part of the recriminatory charge of delay. With respect to

the delay in general, we are at present under an account to our constituents upon that subject. To them we shall give it. We shall not give any further account of it to your lordships; the means belong to us as well as to you of removing these charges. Your lordships may inquire upon oath, as we have done in our committee, into all the circumstances of these allegations; I hope your Lordships will do so, and will give the Commons an opportunity of attending and assisting at this most momentous and important inquiry.

The next recriminatory charge made upon us by the prisoner is, that merely to throw an odium upon him we have brought forward a great deal of irrelevant matter, (which could not be proved regularly in the course of examination at your bar;) and particularly in the opening speech, which I had the honor of making on the subject.

Your lordships know very well, that we stated in our charge, that great abuses had prevailed in India: that the company had entered into covenants with their servants respecting those abuses: that an act of parliament was made to prevent their recurrence, and that Mr. Hastings still continued in their practice. Now, my lords, having stated this, nothing could be more regular, more proper, and more pertinent, than for us to justify both the covenants required by the company, and the act made to prevent abuses which existed in India. We therefore went through those abuses; we stated them, and were ready to prove every material word and article in them. Whether they were personally relevant or irrelevant to the prisoner, we cared nothing. We were to make out from the records of the House, (which records I can produce whenever I am called upon for them,) all these articles of abuse and grievance: and we have stated these abuses as the grounds of the company's provisional covenants with its servants, and of the act of parliament. We have stated them under two heads, violence and corruption; for these crimes will be found, my lords, in almost every transaction with the native powers; and the prisoner is di-

rectly or indirectly involved in every part of them. If it be still objected, that these crimes are irrelevant to the charge, we answer, that we did not introduce them as matter of charge. We say they were not irrelevant to the proof of the preamble of our charge, which preamble is perfectly relevant in all its parts. That the matters stated in it are perfectly true, we vouch the House of Commons; we vouch the very persons themselves, who were concerned in the transactions. When Arabic authors are quoted, and Oriental tales told about *flashes of lightning* and *three seals*, we quote the very parties themselves giving this account of their own conduct to a committee of the House of Commons.

Your lordships will remember, that a most reverend prelate, who cannot be named without every mark of respect and attention, conveyed a petition to your lordships, from a gentleman concerned in one of those narratives. Upon your lordships' table that petition still lies. For the production of this narrative we are not answerable to this House; your lordships could not make us answerable to him; but we are answerable to our own House, we are answerable to our own honor, we are answerable to all the Commons of Great Britain, for whatever we have asserted in their name. Accordingly, General Burgoyne, then a member of this committee of managers, and myself, went down into the House of Commons; we there restated the whole affair; we desired that an inquiry should be made into it, at the request of the parties concerned. But, my lords, they have never asked for inquiry from that day to this. Whenever he or they who are criminated, not by us, but in this volume of Reports that is in my hand, desire it, the House will give them all possible satisfaction upon the subject.

A similar complaint was made to the House of Commons by the prisoner, that matters irrelevant to the charge were brought up hither. Was it not open to him, and has he had no friends in the House of Commons, to call upon the House during the whole period of this proceeding, to examine into

the particulars adduced in justification of the preamble of the charge against him; in justification of the covenants of the company; in justification of the act of parliament? It was in his power to do it, it is in his power still; and if it be brought before that tribunal, to which I and my fellow managers are alone accountable, we will lay before that tribunal such matters as will sufficiently justify our mode of proceeding, and the resolution of the House of Commons. I will not, therefore, enter into the particulars, (because they cannot be entered into by your lordships,) any further than to say, that if we had ever been called upon to prove the allegations which we have made, not in the nature of a charge, but as bound in duty to this court, and in justice to ourselves, we should have been ready to enter into proof. We offered to do so, and we now repeat the offer.

There was another complaint in the prisoner's petition, which did not apply to the words of the preamble, but to an allegation in the charge, concerning abuses in the revenue, and the ill consequences which arose from them. I allude to those shocking transactions which nobody can mention without horror, in Rampore and Dinagepore, during the government of Mr. Hastings, and which we attempted to bring home to him. What did he do in this case? Did he endeavor to meet these charges fairly, as he might have done? No, my lords; what he said merely amounted to this;—examination into these charges would vindicate my reputation before the world; but "I, who am the guardian of my own honor, and my own interests," choose to avail myself of the rules and orders of this House, and I will not suffer you to enter upon that examination.

My lords, we admit you are the interpreters of your own rules and orders. We likewise admit that our own honor may be affected by the character of the evidence which we produce to you. But, my lords, they who withhold their defence, who suffer themselves, as they say, to be cruelly criminated by unjust accusation, and yet will not permit the

evidence of their guilt or innocence to be produced, are themselves the causes of the irrelevancy of all these matters. It cannot justly be charged on us; for we have never offered any matter here, which we did not declare our readiness upon the spot to prove. Your lordships did not think fit to receive that proof. We do not now censure your lordships for your determination; that is not the business of this day. We refer to your determination for the purpose of showing the falsehood of the imputation, which the prisoner has cast upon us, of having oppressed him by delay and irrelevant matter. We refer to it, in order to show that the oppression rests with himself; that it is all his own.

Well, but Mr. Hastings complained also to the House of Commons. Has he pursued the complaint? No, he has not; and yet this prisoner, and these gentlemen, his learned counsel, have dared to reiterate their complaints of us at your lordships' bar; while we have always been, and still are, ready to prove both the atrocious nature of the facts, and that they are *referable* to the prisoner at your bar. To this, as I have said before, the prisoner has objected. This we are not permitted to do by your lordships: and therefore, without presuming to blame your determination, I repeat that we throw the blame directly upon himself, when he complains that his private character suffers without the means of defence, since he objects to the use of means of defence which are at his disposal.

Having gone through this part of the prisoner's recriminatory charge, I shall close my observations on his demeanor, and defer my remarks on his complaint of our ingratitude until we come to consider his set-off of services.

The next subject for your lordships' consideration is the principle of the prisoner's defence. And here we must observe, that either by confession or conviction, we are possessed of the facts, and perfectly agreed upon the matter at issue between us. In taking a view of the laws, by which you are to judge, I shall beg leave to state to you upon what

principles of law the House of Commons has criminated him, and upon what principles of law, or pretended law, he justifies himself; for these are the matters at issue between us: the matters of fact, as I have just said, being determined, either by confession on his part, or by proof on ours.

My lords, we acknowledge that Mr. Hastings was invested with discretionary power, but we assert, that he was bound to use that power according to the established rules of political morality, humanity, and equity. In all questions relating to foreign powers, he was bound to act under the law of nature and under the law of nations, as it is recognised by the wisest authorities in public jurisprudence. In his relation to this country, he was bound to act according to the laws and statutes of Great Britain, either in their letter or in their spirit; and we affirm, that in his relation to the people of India, he was bound to act according to the largest and most liberal construction of their laws, rights, usages, institutions, and good customs; and we furthermore assert, that he was under an express obligation to yield implicit obedience to the court of directors. It is upon these rules and principles the Commons contend, that Mr. Hastings ought to have regulated his government; and not only Mr. Hastings, but all other governors. It is upon these rules that he is responsible, and upon these rules, and these rules only, your lordships are to judge.

My lords, long before the committee had resolved upon this impeachment, we had come, as I have told your lordships, to forty-five resolutions, every one criminatory of this man, every one of them bottomed upon the principles which I have stated. We never will, nor can we abandon them; and we therefore do not supplicate your lordships upon this head, but claim and demand of right, that you will judge him upon those principles, and upon no other. If once they are evaded, you can have no rule for your judgment but your caprices and partialities.

Having thus stated the principles upon which the Com-

mons hold him and all governors responsible, and upon which we have grounded our impeachment, and which must be the grounds of your judgment, (and your lordships will not suffer any other ground to be mentioned to you,) we will now tell you what are the grounds of his defence.

He first asserts, that he was possessed of an arbitrary and despotic power, restrained by no laws but his own will. He next says, that "the rights of the people he governed in India are nothing, and that the rights of the government are every thing." The people, he asserts, have no liberty, no laws, no inheritance, no fixed property, no descendable estate, no subordinations in society, no sense of honor or of shame; and that they are only affected by punishment so far as punishment is a corporal infliction; being totally insensible of any difference between the punishment of man and beast. These are the principles of his Indian government, which Mr. Hastings has avowed in their full extent. Whenever precedents are required, he cites and follows the example of avowed tyrants, of Ali Verdi Khan, Cossim Ali Khan, and Sujah Dowlah. With an avowal of these principles he was pleased first to entertain the House of Commons, the *active* asserters and conservators of the rights, liberties, and laws of his country; and then to insist upon them more largely and in a fuller detail before this awful tribunal, the *passive* judicial conservator of the same great interests. He has brought out these blasphemous doctrines in this great temple of justice, consecrated to law and equity for a long series of ages. He has brought them forth in Westminster Hall, in presence of all the judges of the land, who are to execute the law, and of the House of Lords, who are bound as its guardians not to suffer the words, "arbitrary power," to be mentioned before them. For I am not again to tell your lordships that arbitrary power is treason in the law; that to mention it with law is to commit a contradiction in terms. They cannot exist in concert; they cannot hold together for a moment.

Let us now hear what the prisoner says, "The sovereign-

ty, which they [the soubahdars, or viceroys of the Mogul empire] assumed, it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of parliament I confess myself too little of a lawyer to pronounce. I only know, that the acceptance of the sovereignty of Benares, &c. is not acknowledged or admitted by any act of parliament; and yet, by the particular interference of the majority of the council, the company is clearly and indisputably seized of that sovereignty. If, therefore, the *sovereignty* of Benares, as ceded to us by the vizier, have *any rights whatever* annexed to it, (and be not a mere empty word without meaning,) those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of parliament shall positively, or by implication, tend to annihilate those very rights, or their exertion, as I have exerted them, I much fear, that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded on the company against my consent and opinion, (for I acknowledge, that even then I foresaw many difficulties and inconveniences in its future exercise;) I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made an uniform compact body by one grand and systematic arrangement; such an arrangement as shall do away all the mischiefs, doubts, and inconveniences, (both to the governors and the governed,) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society; and from the unavoidable anarchy and confu-

sion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindostan has been constantly exposed to these and similar disadvantages ever since the Mahomedan conquests. The Hindoos, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent, so that rebellion itself is the parent and promoter of *despotism*. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers, but from its visible effects, and those are every where the same from Cabool to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in council, when the treaty with the new vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew, that, from the history of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and as such exposed to the common lot of his fellows. *The mean and depraved state of a mere zemindar* is therefore this very dependence above-mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindostanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him,

but would have secured him from it. Those, who made him a zemindar, entailed upon him the consequences of so mean and depraved a tenure. Ally Verdy Khân and Cossim Ally fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."

I beseech your lordships seriously to look upon the whole nature of the principles upon which the prisoner defends himself. He appeals to the custom and usage of the Mogul empire; and the constitution of that empire is, he says, arbitrary power. He says, that he does not know whether any act of parliament bound him not to exercise this arbitrary power; and that if any such act should in future be made, it would be mischievous and ruinous to our empire in India. Thus he has at once repealed all preceding acts, he has annulled by prospect every future act you can make; and it is not in the power of the parliament of Great Britain, without ruining the empire, to hinder his exercising this despotic authority. All Asia is by him disfranchised at a stroke. Its inhabitants have no rights, no laws, no liberties, their state is mean and depraved; they may be fined for any purpose of court extravagance, or prodigality; or as Cheit Sing was fined by him, not only upon every war, but upon every pretence of war.

This is the account he gives of his power and of the people subject to the British government in India. We deny, that the act of parliament gave him any such power; we deny, that the India Company gave him any such power; or that they had ever any such power to give. We even deny, that there exists in all the human race a power to make the government of any state dependent upon individual will: we disclaim, we reject all such doctrines with disdain and indignation; and we have brought them up to your lordships to be tried at your bar.

What must be the condition of the people of India, governed, as they have been, by persons who maintain these

principles as maxims of government, and not as occasional deviations caused by the irregular will of man; principles by which the whole system of society is to be controlled; not by law, reason, or justice, but by the will of one man?

Your lordships will remark, that not only the whole of the laws, rights, and usages, but the very being of the people, are exposed to ruin; for Mr. Hastings says, that the people may be fined, that they may be exiled, that they may be imprisoned, and that even their lives are dependent upon the mere will of their foreign master: and that he, the company's governor, exercised that will under the authority of this country. Remark, my lords, his application of this doctrine. I would, he says, have kept Cheit Sing from the consequences of this dependence, by making him independent, and not in any manner subjecting him to our government. The moment he came into a state of dependence upon the British government, all these evils attached upon him. It is, he adds, disagreeable to me to exert such powers, but I know they must be exerted, and I declare there is no security from this arbitrary power, but by having nothing to do with the British government.

My lords, the House of Commons has already well considered what may be our future moral and political condition when the persons, who come from that school of pride, insolence, corruption, and tyranny, are more intimately mixed up with us of purer morals. Nothing but contamination can be the result, nothing but corruption can exist in this country, unless we expunge this doctrine out of the very hearts and souls of the people. It is not to the gang of plunderers and robbers, of which I say this man is at the head, that we are only, or indeed principally, to look. Every man in Great Britain will be contaminated and must be corrupted, if you let loose among us whole legions of men, generation after generation, tainted with these abominable vices, and avowing these detestable principles. It is therefore to preserve the integrity and honor of the Commons of Great Britain, that we have *brought this man to* your lordships' bar.

When these matters were first explained to your lordships, and strongly enforced by abilities greater than I can exert, there was something like compunction shown by the prisoner: but he took the most strange mode to cover his guilt. Upon the cross examination of Major Scott he discovered all the engines of this Indian corruption. Mr. Hastings got that witness to swear, that this defence of his, from which the passages I have read to your lordships are extracted, was not his, but that it was the work of his whole council, composed of Mr. Middleton, Mr. Shore, Mr. Halhed, Mr. Baber, the whole body of his Indian cabinet council;—that this was their work and not his; and that he disclaimed it, and therefore that it would be wrong to press it upon him. Good God! my lords, what shall we say in this stage of the business? The prisoner put in an elaborate defence, he now disclaims that defence. He told us, that it was of his own writing, that he had been able to compose it in five days, and he now gets five persons to contradict his own assertions, and to disprove on oath his most solemn declarations.

My lords, this business appears still more alarming, when we find not only Mr. Hastings, but his whole council engaged in it. I pray your lordships to observe, that Mr. Halhed, a person concerned with Mr. Hastings in compiling a code of Gentoo laws, is now found to be one of the persons to whom this very defence is attributed, which contains such detestable and abominable doctrines. But are we to consider the contents of this paper as the defence of the prisoner, or not? Will any one say, that when an answer is sworn to in Chancery, when an answer is given here to an impeachment of the Commons, or when a plea is made to an indictment, that it is drawn by the defendant's counsel, and therefore is not his? Did we not all hear him read this defence in part at our bar, did we not see him hand it to his secretary to have it read by his son, did he not then hear it read from end to end; did not he himself desire it to be printed, (for it was no act of ours,) and did he not superintend and revise the

press, and has any breath but his own breathed upon it? No, my lords, the whole composition is his by writing or adoption, and never till he found it pressed him in this House; never till your lordships began to entertain the same abhorrence of it that we did, did he disclaim it.

But mark another stage of the propagation of these horrible principles. After having grounded upon them the defence of his conduct against our charge, and after he had got a person to forswear them for him, and to prove him to have told falsehoods of the grossest kind to the House of Commons, he again adheres to this defence. The dog returned to his vomit. After having vomited out his vile, bilious stuff of arbitrary power, and afterwards denied it to be his, he gets his counsel in this place to resort to the loathsome mess again. They have thought proper, my lords, to enter into an extended series of quotations from books of travellers, for the purpose of showing that despotism was the only principle of government acknowledged in India; that the people have no laws, no rights, no property movable or immovable, no distinction of ranks, nor any sense of disgrace. After citing a long line of travellers to this effect, they quote Montesquieu as asserting the same facts, declaring that the people of India had no sense of honor, and were only sensible of the whip as far as it produced corporal pain. They then proceed to state, that it was a government of misrule, productive of no happiness to the people, and that it so continued until subverted by the free government of Britain, namely, the government that Mr. Hastings describes as having himself exercised there.

My lords, if the prisoner can succeed in persuading us that these people have no laws, no rights, not even the common sentiments and feeling of men, he hopes your interest in them will be considerably lessened. He would persuade you, that their sufferings are much assuaged, by their being nothing new; and that having no right to property, to liberty, to honor, or to life, they must be more pleased with the

little that is left to them, than grieved for the much that has been ravished from them, by his cruelty and his avarice. This inference makes it very necessary for me, before I proceed further, to make a few remarks upon this part of the prisoner's conduct, which your lordships must have already felt with astonishment, perhaps with indignation. This man, who passed twenty-five years in India, who was fourteen years at the head of his government, master of all the offices, master of all the registers and records, master of all the lawyers and priests of all this empire, from the highest to the lowest, instead of producing to you the fruits of so many years local and official knowledge upon that subject, has called out a long line of the rabble of travellers, to inform you concerning the objects of his own government. That his learned counsel should be ignorant of those things, is a matter of course. That, if left to himself, the person, who has produced all this stuff, should, in pursuit of his darling arbitrary power, wander without a guide, or with false guides, is quite natural. But your lordships must have heard with astonishment, that, upon points of law, relative to the tenure of lands, instead of producing any law document or authority on the usages and local customs of the country, he has referred to officers in the army, colonels of artillery and engineers, to young gentlemen just come from school, not above three or four years in the country. Good God! would not one rather have expected to hear him put all these travellers to shame by the authority of a man, who had resided so long in the supreme situation of government; to set aside all these wild, loose, casual, and silly observations of travellers and theorists? On the contrary, as if he was ignorant of every thing, as if he knew nothing of India, as if he had dropt from the clouds, he cites the observations of every stranger who had been hurried in a palanquin through the country, capable or incapable of observation, to prove to you the nature of the government and of the power he had to exercise.

My lords, the Commons of Great Britain are not disposed to resort to the ridiculous relations of travellers, or to the wild systems which ingenious men have thought proper to build on their authority; we will take another mode. We will undertake to prove the direct contrary of his assertions in every point and particular. We undertake to do this, because your lordships know, and because the world knows, that if you go into a country, where you suppose man to be in a servile state; where, the despot excepted, there is no one person who can lift up his head above another; where all are a set of vile, miserable slaves, prostrate and confounded in a common servitude, having no descendable lands, no inheritance, nothing that makes man feel proud of himself, or that gives him honor and distinction with others:—this abject degradation will take from you that kind of sympathy, which naturally attaches you to men feeling like yourselves, to men who have hereditary dignities to support, and lands of inheritance to maintain, as you peers have; you will, I say, no longer have that feeling which you ought to have for the sufferings of a people, whom you suppose to be habituated to their sufferings, and familiar with degradation.

This makes it absolutely necessary for me to refute every one of these misrepresentations; and whilst I am endeavoring to establish the rights of these people, in order to show in what manner and degree they have been violated, I trust that your lordships will not think that the time is lost; certainly I do not think that my labor will be misspent, in endeavoring to bring these matters fully before you.

In determining to treat this subject at length, I am also influenced by a strong sense of the evils that have attended the propagation of these wild, groundless, and pernicious opinions. A young man goes to India before he knows much of his own country; but he cherishes in his breast, as I hope every man will, a just and laudable partiality for the laws, liberties, rights, and institutions of his own nation; we all do this, and God forbid we should not prefer our own to

every other country in the world; but if we go to India with an idea of the mean, degraded state of the people that we are to govern, and especially if we go with these impressions at an immature age, we know that, according to the ordinary course of human nature, we shall not treat persons well whom we have learnt to despise. We know that people, whom we suppose to have neither laws nor rights, will not be treated by us as a people who have laws and rights. This error, therefore, for our sake, for your sake, for the sake of the Indian public, and for the sake of all those who shall hereafter go in any station to India, I think it necessary to disprove in every point.

I mean to prove the direct contrary of every thing that has been said on this subject by the prisoner's counsel, or by himself. I mean to prove, that the people of India have laws, rights, and immunities, that they have property, movable and immovable, descendable as well as occasional: that they have property held for life, and that they have it as well secured to them by the laws of their country, as any property is secured in this country: that they feel for honor, not only as much as your lordships can feel, but with a *more* exquisite and poignant sense than any people upon earth; and that when punishments are inflicted, it is not the lash they feel, but the disgrace: in short, I mean to prove, that every word which Montesquieu has taken from idle and inconsiderate travellers is absolutely false.

The people of India are divided into three kinds; the original natives of the country, commonly called Gentoos, the decendants of the Persians and Arabians, who are Mahomedans, and the descendants of the Moguls, who originally had a religion of their own, but are now blended with the other inhabitants.

The primeval law of that country is the Gentoo law; and I refer your lordships to Mr. Halhed's translation of that singular code; a work which I have read with all the care that such an extraordinary view of human affairs and human

constitutions deserves. I do not know whether Mr. Halhed's compilation is in evidence before your lordships, but I do know that it is good authority on the Gentoo law. Mr. Hastings, who instructed his counsel to assert that the people have "no rights, no law," ought to be well acquainted with this work, because he claimed for a while the glory of the compilation, although Nobkissin, as your lordships remember, was obliged to pay the expense. This book, a compilation of probably the most ancient laws in the world, if we except the Mosaic, has in it the duty of the magistrate, and the duty of all ranks of subjects most clearly and distinctly ascertained; and I will give up the whole cause, if there is, from one end to the other of this code, any sort of arbitrary power claimed or asserted on the part of the magistrate; or any declaration, that the people have no rights of property. No; it asserts the direct contrary.

First, the people are divided into classes and ranks, with more accuracy of distinction than is used in this country, or in any other country under heaven. Every class is divided into families, some of whom are more distinguished and more honorable than others; and they all have rights, privileges, and immunities belonging to them. Even in cases of conquest, no confiscation is to take place. A bramin's estate comes by descent to him; it is for ever descendable to his heirs, if he has heirs; and if he has none, it belongs to his disciples, and those connected with him in the braminical cast. There are other immunities declared to belong to this cast, in direct contradiction to what has been asserted by the prisoner. In no case shall a bramin suffer death; in no case shall the property of a bramin, male or female, be confiscated for crime, or escheat for want of heirs. The law then goes on to other casts, and gives to each its property, and distinguishes them with great accuracy of discrimination.

Mr. Hastings says, that there is no inheritable property among them. Now, you have only to look at page 27, chapter the second, the title of which is, "*Of the division of in-*

heritable property." There, after going through all the nicety of pedigree, it is declared, that "when a father, or grandfather, a great grandfather, or any relations of that nature decease, or lose their cast, or renounce the world, or are desirous to give up their property; their sons, grandsons, great grandsons, and other natural heirs, may divide and assume their glebe lands, orchards, jewels, corals, clothes, furniture, cattle, and birds, and all the estate, real and personal." My lords, this law recognises this kind of property, it regulates it with the nicest accuracy of distinction; it settles the descent of it in every part and circumstance. It no where asserts, (but the direct contrary is positively asserted,) that the magistrate has any power whatever over property. It states that it is the magistrate's duty to protect it; that he is bound to govern by law; that he must have a council of bramins to assist him in every material act that he does; in short, my lords, there is not even a trace of arbitrary power in the whole system.

My lords, I will mention one article to let you see in a very few words, that these Gentoos not only have an inheritance, but that the law has established a right of *acquiring* possession in the property of another by prescription. The passage stands thus; "If there be a person, who is not a minor, (a man ceases to be a minor at fifteen years of age,) nor impotent, nor diseased, nor an idiot, nor so lame as not to have power to walk, nor blind, nor one who, on going before a magistrate, is found incapable of distinguishing and attending to his own concerns, and who has not given to another person power to employ and to use his property; if, in the face of any such person, another man has applied to his own use, during the space of twenty years, the glebe land, or houses, or orchards of that person, without let or molestation from him, from the twenty-first year the property becomes invested in the person so applying such things to his own use; and any claim of the first person abovementioned, upon such glebe, houses, or orchards, shall by no

means stand good: but if the person before mentioned comes under any of the circumstances herein before described, his claim in that case shall stand good." Here you see, my lords, that possession shall, by prescription, stand good against the claims of all persons who are not disqualified from making their claims.

I might, if necessary, show your lordships, that the highest magistrate is subject to the law; that there is a case in which he is fineable; that they have established rules of evidence and of pleading; and in short, all the rules which have been formed in other countries, to prevent this very arbitrary power. Notwithstanding all this, the prisoner at the bar, and his counsel, have dared to assert, in this sacred temple of justice, in the presence of this great assembly, of all the bishops, of all the peers, and of all the judges of this land, that the people of India have no laws whatever.

I do not mean to trouble your lordships with more extracts from this book. I recommend it to your lordships' reading; when you will find, that, so far from the magistrate having any power either to imprison arbitrarily, or to fine arbitrarily, the rules of fines are laid down with ten thousand times more exactness than with us. If you here find that the magistrate has any power to punish the people with arbitrary punishment, to seize their property, or to disfranchise them of any rights or privileges, I will readily admit that Mr. Hastings has laid down good, sound doctrine upon this subject. There is his own book, a compilation of their laws, which has in it not only good and excellent positive rules, but a system of as enlightened jurisprudence, with regard to the body and substance of it, as perhaps any nation ever possessed: a system which must have been composed by men of highly cultivated understandings.

As to the travellers that have been quoted, absurd as they are in the ground of their argument, they are not less absurd in their reasonings. For having first laid it down, that there is no property, and that the government is the proprietor of

every thing, they argue, inferentially, that they have no laws. But if ever there were a people, that seem to be protected with care and circumspection from all arbitrary power, both in the executive and judicial department, these are the people that seem to be so protected.

I could show your lordships that they are so sensible of honor, that fines are levied and punishment inflicted according to the rank of the culprits, and that the very authority of the magistrate is dependent on their rank. That the learned counsel should be ignorant of these things is natural enough. They are concerned in the gainful part of their profession. If they know the laws of their own country, which I dare say they do, it is not to be expected that they should know the laws of any other. But, my lords, it is to be expected, that the prisoner should know the Gentoo laws: for he not only cheated Nobkissin of his money to get these laws translated, but he took credit for the publication of the work as an act of public spirit, after shifting the payment from himself, by fraud and peculation. All this has been proved by the testimonies of Mr. Auriol and Mr. Halhed, before your lordships.

We do not bring forward this book as evidence of guilt or innocence, but to show the laws and usages of the country, and to prove the prisoner's knowledge of them.

From the Gentoo we will proceed to the Tartarian government of India, a government established by conquest, and therefore not likely to be distinguished by any marks of extraordinary mildness towards the conquered. The book before me will prove to your lordships, that the head of this government (who is falsely supposed to have a despotic authority) is absolutely elected to his office. Tamerlane was elected; and Ghinges Khân particularly valued himself on improving the laws and institutions of his own country. These laws we only have imperfectly in this book; but we are told in it, and I believe the fact, that he forbad, under pain of death, any prince or other person to presume to cause himself to be proclaimed

great Khân or Emperor, without being first duly elected by the princes lawfully assembled in general diet. He then established the privileges and immunities granted to the Tunkawns, that is, to the nobility and gentry of the country, and afterwards published most severe ordinances against governors who failed in doing their duty, but principally against those who commanded in far distant provinces. This prince was in this case, what I hope your lordships will be, a very severe judge of the governors of countries remote from the seat of the government.

My lords, we have in this book sufficient proof that a Tartarian sovereign could not obtain the recognition of ancient laws, or establish new ones, without the consent of his parliament, that he could not ascend the throne, without being duly elected; and that when so elected, he was bound to preserve the great in all their immunities, and the people in all their rights, liberties, privileges, and properties. We find these great princes restrained by laws, and even making wise and salutary regulations for the countries which they conquered. We find Ghinges Khân establishing one of his sons in a particular office, namely, conservator of those laws; and he has ordered, that they should not only be observed in his time, but by all posterity; and accordingly they are venerated at this time in Asia. If then this very Ghinges Khân, if Tamerlane, did not assume arbitrary power, what are you to think of this man, so bloated with corruption, so bloated with the insolence of unmerited power, declaring that the people of India have no rights, no property, no laws; that he could not be bound even by an English act of parliament; that he was an arbitrary sovereign in India, and could exact what penalties he pleased from the people, at the expense of liberty, property, and even life itself. Compare this man, this compound of pride and presumption, with Ghinges Khân, whose conquests were more considerable than Alexander's, and yet who made the laws the rule of his conduct; compare him with Tamerlane, whose institutes I have before me. I

wish to save your lordships' time, or I could show you in the life of this prince, that he, violent as his conquests were, bloody as all conquests are, ferocious as a Mahomedan making his crusades for the propagation of his religion, he yet knew how to govern his unjust acquisitions with equity and moderation. If any man could be entitled to claim arbitrary power, if such a claim could be justified by extent of conquest, by splendid personal qualities, by great learning and eloquence, Tamerlane was the man who could have made and justified the claim. This prince gave up all his time, not employed in conquests, to the conversation of learned men. He gave himself to all studies that might accomplish a great man. Such a man I say might, if any may, claim arbitrary power. But the very things that made him great, made him sensible that he was but a man. Even in the midst of all his conquests, his tone was a tone of humility; he spoke of laws, as every man must, who knows what laws are; and though he was proud, ferocious, and violent, in the achievement of his conquests, I will venture to say no prince ever established institutes of civil government more honorable to himself, than the institutes of Timour. I shall be content to be brought to shame before your lordships, if the prisoner at your bar can show me one passage, where the assumption of arbitrary power is even hinted at by this great conqueror. He declares, that the nobility of every country shall be considered as his brethren; that the people shall be acknowledged as his children; and that the learned and the dervises shall be particularly protected. But, my lords, what he particularly valued himself upon I shall give your lordships in his own words: "I delivered the oppressed from the hand of the oppressor; and after proof of the oppression, whether on the property or the person, the decision which I passed between them was agreeable to the sacred law; and I did not cause any one person to suffer for the guilt of another."*

* Institutes of Timour, page 165.

My lords, I have only further to inform your lordships, that these institutes of Timour ought to be very well known to Mr. Hastings. He ought to have known, that this prince never claimed arbitrary power, that the principles he adopted were to govern by law, to repress the oppressions of his inferior governors, to recognise in the nobility the respect due to their rank, and in the people the protection to which they were by law entitled. This book was published by Major Davy, and revised by Mr. White. The Major was an excellent Orientalist, he was secretary to Mr. Hastings, to whom, I believe, he dedicated this book. I have inquired of persons the most conversant with the Arabic and Oriental languages; and they are clearly of opinion, that there is internal evidence to prove it of the age of Tamerlane; and he must be the most miserable of critics, who, reading this work with attention, does not see that, if it was not written by this very great monarch himself, it was at least written by some person in his court, and under his immediate inspection. Whether, therefore, this work be the composition of Tamerlane, or whether it was written by some persons of learning near him, through whom he meant to give the world a just idea of his manners, maxims, and government, it is certainly as good authority as Mr. Hastings's *Defence*, which he has acknowledged to have been written by other people.

From the Tartarian, I shall now proceed to the later Mahomedan conquerors of Hindostan, for it is fit that I should show your lordships the wickedness of pretending that the people of India have no laws or rights. A great proportion of the people are Mahomedans; and Mahomedans are so far from having no laws or rights, that when you name a Mahomedan, you name a man governed by law, and entitled to protection. Mr. Hastings caused to be published, and I am obliged to him for it, a book, called the Hedaia; it is true that he has himself taken credit for the work, and robbed Nobkissin of the money to pay for it; but the value of a book is not lessened because a man stole it. Will you be-

lieve, my lords, that a people having no laws, no rights, no property, no honor, would be at the trouble of having so many writers on jurisprudence? and yet there are, I am sure, at least a thousand eminent Mahomedan writers upon law, who have written far more voluminous works than are known in the common law of England; and I verily believe more voluminous than the writings of the Civilians themselves. That this should be done by a people who have no property, is so perfectly ridiculous as scarcely to require refutation; but I shall endeavor to refute it, and without troubling you a great deal.

First, then, I am to tell you, that the Mahomedans are a people amongst whom the science of jurisprudence is much studied and cultivated, that they distinguish it into the law of the Khoran and its authorized commentaries; into the Fetfa, which is the judicial judgments and reports of adjudged cases; into the Canon, which is the regulations made by the emperor, for the sovereign authority in the government of their dominions; and lastly into the Rage ul Mulk, or custom and usage, the common law of the country, which prevails independent of any of the former.

In regard to punishments being arbitrary, I will with your lordships' permission read a passage, which will show you that the magistrate is a responsible person. "If a supreme ruler, such as the caliph for the time being, commit any offence punishable by law, such as whoredom, theft, or drunkenness, he is not subject to any punishment, (but yet if he commit murder he is subject to the law of retaliation, and he is also accountable in matters of property,) because *punishment* is a right of God, the infliction of which is committed to the caliph (or other supreme magistrate) and to none else; and he cannot inflict punishment upon himself, as in this there is no advantage, because the good proposed in punishment is that it may operate as a warning to deter mankind from sin, and this is not obtained by a person's inflicting punishment upon himself contrary to the rights of the *individual*, such

as the laws of *retaliation* and of *property*, the penalties of which may be exacted of the caliph, as the claimant of right may obtain satisfaction, either by the caliph empowering him to exact his right from himself, or by the claimant appealing for assistance to the collective body of Mussulmans." *

Here your lordships see that the caliph, who is a magistrate of the highest authority which can exist among the Mahomedans, where property or life is concerned, has no arbitrary power, but is responsible just as much as any other man.

I am now to inform your lordships, that the sovereign can raise no taxes. The imposing of a tribute upon a Mussulman, without his previous consent, is impracticable: and so far from all property belonging to the sovereign, the public treasure does not belong to him. It is declared to be the common property of all Mahomedans. This doctrine is laid down in many places, but particularly in the 95th page of the second volume of Hamilton's Hedaia.

Mr. Hastings has told you what a sovereign is, and what sovereignty is all over India; and I wish your lordships to pay particular attention to this part of his defence, and to compare Mr. Hastings's idea of sovereignty with the declaration of the Mahomedan law. The tenth chapter of these laws treats of rebellion, which is defined an act of warfare against the sovereign. You are then told who the sovereign is, and how many kinds of rebels there are. The author then proceeds to say; "The word *bâghee*, (rebellion) in its literal sense, means prevarication, also injustice and tyranny; in the language of the law it is particularly applied to injustice, namely, withdrawing from obedience to the rightful *Imâm*, (as appears in the *Fattahal-Kadeen*). By the rightful *Imâm*, is understood a person in whom all the qualities essential to magistracy are united, such as islamism, freedom, sanity of intellect, and maturity of age,—and who has been elected into his office by any tribe of *Mussulmans*, with

* Hedaia, 2 vol. 34.

their general consent:—whose view and intention is the advancement of the true religion, and the strengthening of the Mussulmans, and under whom the Mussulmans enjoy security in person and property; one who levies tithe and tribute according to law; who out of the public treasury pays what is due to learned men, preachers, Kâzees, Mooftis, philosophers, public teachers, and so forth; and who is just in all his dealings with Mussulmans: for whoever does not answer this description is not the right *Imâm*, whence it is not incumbent to support such a one; but rather it is incumbent to oppose him and make war upon him, until such time as he either adopt a proper mode of conduct, or be slain." *

My lords, is this a magistrate of the same description as the sovereign delineated by Mr. Hastings? This man must be elected by the general consent of Mussulmans, he must be a protector of the person and property of his subjects, a right of resistance is directly established by law against him, and even the duty of resistance is insisted upon. Am I in praising this Mahomedan law applauding the principle of elective sovereignty? No, my lords; I know the mischiefs which have attended it: I know, that it has shaken the thrones of most of the sovereigns of the Mussulman religion; but I produce the law as the clearest proof that such a sovereign cannot be supposed to have an arbitrary power over the property and persons of those who elect him, and who have an acknowledged right to resist and dethrone him, if he does not afford them protection.

I have now gone through what I undertook to prove, that Mr. Hastings, with all his Indian council, who have made up this volume of arbitrary power, are not supported by the laws of the Moguls, by the laws of the Gentoos, by the Mahomedan laws, or by any law, custom, or usage, which has ever been recognised as legal and valid.

But, my lords, the prisoner defends himself by example;

* Hedaia, 2 vol. pp. 247 and 248.

and, good God! what are the examples which he has chosen? Not the local usages and constitutions of Oude, or of any other province; not the general practice of a respectable emperor, like Akbar, which, if it would not fatigue your lordships, I could show to be the very reverse of this man's. No, my lords, the prisoner, his learned counsel here, and his unlearned cabinet council, who wrote this defence, have ransacked the tales of travellers for examples, and have selected materials from that mass of loose remarks and crude conceptions, to prove that the natives of India have neither rights, laws, orders, nor distinction.

I shall now proceed to show your lordships, that the people of India have a keen sense and feeling of disgrace and dishonor. In proof of this I appeal to well known facts. There have been women tried in India for offences, and acquitted, who would not survive the disgrace even of acquittal. There have been Hindoo soldiers condemned at a court-martial, who have desired to be blown from the mouth of a cannon, and have claimed rank and precedence at the last moment of their existence; and yet these people are said to have no sense of dishonor! Good God! that we should be under the necessity of proving in this place all these things; and of disproving that all India was given in slavery to this man!

But, my lords, they will show you, they say, that Ghinges Khân, Khouli Khân, and Tamerlane destroyed ten thousand times more people in battle than this man did. Good God! have they run mad? Have they lost their senses in their guilt? Did they ever expect that we meant to compare this man to Tamerlane, Ghinges Khân, or Khouli Khân? To compare a clerk at a bureau,—to compare a fraudulent bullock contractor (for we could show, that his first elementary malversations were in carrying on fraudulent bullock contracts, which contracts were taken from him with shame and disgrace, and restored with greater shame and disgrace,) to compare him with the conquerors of the world!

We never said he was a tiger and a lion; no, we have said he was a weasel and a rat.

We have said, that he has desolated countries by the same means, that plagues of his description have produced similar desolations. We have said, that he, a fraudulent bullock contractor, exalted to great and unmerited powers, can do more mischief than even all the tigers and lions in the world. We know, that a swarm of locusts, although individually despicable, can render a country more desolate than Ghinges Khân or Tamerlane. When God Almighty chose to humble the pride and presumption of Pharaoh, and to bring him to shame, he did not effect his purpose with tigers and lions; but he sent lice, mice, frogs, and every thing loathsome and contemptible to pollute and destroy the country. Think of this, my lords; and of your listening here to these people's long account of Tamerlane's camp of two hundred thousand persons, and of his building a pyramid at Bagdad with the heads of ninety thousand of his prisoners!

We have not accused Mr. Hastings of being a great general, and abusing his military powers; we know that he was nothing at the best, but a creature of the bureau, raised by peculiar circumstances, to the possession of a power, by which incredible mischief might be done. We have not accused him of the vices of conquerors: when we see him signalized by any conquests we may then make such an accusation; at present we say, that he has been trusted with power much beyond his deserts, and that trust he has grossly abused.—But to proceed—

His counsel, according to their usual audacious manner, (I suppose they imagine, that they are counsel for Tamerlane, or for Ghinges Khân,) have thought proper to accuse the managers for the Commons of wandering in all the fabulous regions of Indian mythology. My lords, the managers are sensible of the dignity of their place; they have never offered any thing to you, without reason. We are not persons of an age—of a disposition—of a character, representative or nat-

ural, to *wanton* as these counsel call it; that is, to invent fables concerning Indian antiquity. That they are not ashamed of making this charge, I do not wonder. But we are not to be thus diverted from our course.

I have already stated to your lordships, a material circumstance of this case, which I hope will never be lost sight of; namely, the different situation in which India stood under the government of its native princes and its own original laws, and even under the *dominion* of Mahomedan conquerors, from that in which it has stood under the government of a series of tyrants, foreign and domestic, particularly of Mr. Hastings, by whom it has latterly been oppressed and desolated. One of the books, which I have quoted, was written by Mr. Halhed; and I shall not be accused of wantoning in fabulous antiquity, when I refer to another living author, who wrote from what he saw, and what he well knew. This author says, "In truth it would be almost cruelty to molest these happy people," (speaking of the inhabitants of one of the provinces near Calcutta,) "for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindoostan government: here the property as well as the liberty of the people is inviolate." My lords, I do not refer you to this writer because I think it necessary to our justification;—nor from any fear that your lordships will not do us the justice to believe, that we have good authority for the facts which we state, and do not (as persons with their licentious tongues dare to say) wanton in fabulous antiquity. I quote the works of this author, because his observations and opinions could not be unknown to Mr. Hastings, whose associate he was in some acts, and whose adviser he appears to have been in that dreadful transaction, the deposition of Cossim Ali Khân. This writer was connected with the prisoner at your bar in bribery, and has charged him with detaining his bribe. To this Mr. Hastings has answered, that he had paid him long ago. How they have settled that corrupt transaction I know not. I merely

state all this, to prove that we have not dealt in fabulous history, and that if any body has dealt in falsehood, it is Mr. Hastings's companion and associate in guilt, who must have known the country, and who, however faulty he was in other respects, had in this case no interest whatever in misrepresentation.

I might refer your lordships, if it were necessary, to Scrafton's account of that ancient government, in order to prove to you the happy comparative state of that country, even under its former usurpers. Our design, my lords, in making such references, is not merely to disprove the prisoner's defence, but to vindicate the rights and privileges of the people of India. We wish to reinstate them in your sympathy. We wish you to respect a people as respectable as yourselves;—a people, who know as well as you, what is rank, what is law, what is property;—a people who know how to feel disgrace, who know what equity, what reason, what proportion in punishments, what security of property is, just as well as any of your lordships; for these are things which are secured to them by laws, by religion, by declarations of all their sovereigns. And what, my lords, is opposed to all this?—The practice of tyrants and usurpers, which Mr. Hastings takes for his rule and guidance. He endeavors to find deviations from legal government, and then instructs his counsel to say, that I have asserted there is no such thing as arbitrary power in the East. Good God! if there was no such thing in any other part of the world, Mr. Hastings's conduct might have convinced me of the existence of arbitrary power, and have taught me much of its mischief.

But, my lords, we all know that there has been arbitrary power in India; that tyrants have usurped it; and that, in some instances, princes otherwise meritorious have violated the liberties of the people, and have been lawfully deposed for such violation. I do not deny that there are robberies on Hounslow Heath; that there are such things as forgeries,

burglaries, and murders; but I say, that these acts are against law, and that whoever commit them commit illegal acts. When a man is to defend himself against a charge of crime, it is not instances of similar violation of law, that is to be the standard of his defence. A man may as well say, I robbed at Hounslow Heath, but hundreds robbed there before me: to which I answer, the law has forbibden you to rob there; and I will hang you for having violated the law, notwithstanding the long list of similar violations which you have produced as precedents. No doubt, princes have violated the law of this country; they have suffered for it. Nobles have violated the law; their privileges have not protected them from punishment. Common people have violated the law; they have been hanged for it. I know no human being exempt from the law. The law is the security of the people of England, it is the security of the people of India, it is the security of every person that is governed, and of every person that governs. There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity:—the law of nature and of nations. So far as any laws fortify this primeval law, and give it more precision, more energy, more effect by their declarations, such laws enter into the sanctuary, and participate in the sacredness of its character. But the man who quotes as precedents the abuses of tyrants and robbers, polutes the very fountain of Justice, destroys the foundations of all law, and thereby removes the only safeguard against evil men, whether governors or governed:—the guard which prevents governors from becoming tyrants, and the governed from becoming rebels.

I hope your lordships will not think that I have unnecessarily occupied your time, in disproving the plea of arbitrary power, which has been brought forward at our bar: has been repeated at your lordship's bar, and has been put upon the records of both Houses. I hope your lordships will not think that such monstrous doctrine should be passed over,

without all possible pains being taken to demonstrate its falsehood and to reprobate its tendency. I have not spared myself in exposing the principles avowed by the prisoner. At another time I will endeavor to show you the manner in which he acted upon these principles. I cannot command strength to proceed further at present; and you, my lords, cannot give me greater bodily strength than I have.

[Adjourned.

TRIAL.

FRIDAY, 30TH MAY, 1794.

SECOND DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—On the day of the sitting of this court, when I had the honor of appearing before you by the order of my fellow managers, I stated to you their observations and my own, upon two great points; one the demeanor of the prisoner at the bar, during his trial, and the other the principles of his defence. I compared that demeanor with the behavior of some of the greatest men in this kingdom, who have, on account of their offences, been brought to your bar, and who have seldom escaped your lordships' justice. I put the decency, humility, and propriety of the most distinguished men's behavior, in contrast with the shameless effrontery of this prisoner, who has presumptuously made a recriminatory charge against the House of Commons, and answered their impeachment by a counter impeachment, explicitly accusing them of malice, oppression, and the blackest ingratitude.

My lords, I next stated, that this recriminatory charge consisted of two distinct parts, injustice and delay. To the injustice we are to answer, by the nature and proof of the charges which we have brought before you; and to the delay, my lords, we have answered in another place. Into one of the consequences of the delay, the ruinous expense which the prisoner complains of, we have desired your lord-

ships to make an inquiry, and have referred you to facts and witnesses, which will remove this part of the charge.

With regard to ingratitude, there will be a proper time for animadversion on this charge. For in considering the merits that are intended to be set off against his crimes, we shall have to examine into the nature of those merits, and to ascertain how far they are to operate, either as the prisoner designs they shall operate in his favor, as presumptive proofs that a man of such merits could not be guilty of such crimes, or as a sort of set-off to be pleaded in mitigation of his offences. In both of these lights we shall consider his services, and in this consideration we shall determine the justice of his charge of ingratitude.

My lords, we have brought the demeanor of the prisoner before you, for another reason. We are desirous that your lordships may be enabled to estimate, from the proud presumption and audacity of the criminal at your bar, when he stands before the most awful tribunal in the world, accused by a body representing no less than the sacred voice of his country—what he must have been when placed in the seat of pride and power. What must have been the insolence of that man towards the natives of India, who, when called here to answer for enormous crimes, presumes to behave, not with the firmness of innocence, but with the audacity and hardness of guilt?

It may be necessary that I should recall to your lordships' recollection the principles of the accusation and of the defence. Your lordships will bear in mind, that the matters of fact are all either settled by confession or conviction, and that the question now before you is no longer an issue of fact, but an issue of law. The question is, what degree of merit or demerit you are to assign by law to actions which have been laid before you, and their truth acknowledged. The principle being established, that you are to decide upon an issue at law, we examined by what law the prisoner ought to be tried; and we preferred a claim which we do now

solemnly prefer, and which we trust your lordships will concur with us in a laudable emulation to establish: a claim founded upon the great truths, that all power is limited by law, and ought to be guided by discretion, and not by arbitrary will: —that all discretion must be referred to the conservation and benefit of those over whom power is exercised; and therefore must be guided by rules of sound political morality.

We next contended, that, wherever existing laws were applicable, the prisoner at your bar was bound by the laws and statutes of this kingdom as a British subject; and that, whenever he exercised authority in the name of the company, or in the name of his majesty, or under any other name, he was bound by the laws and statutes of this kingdom, both in letter and spirit, so far as they were applicable to him and to his case: and above all, that he was bound by the act to which he owed his appointment, in all transactions with foreign powers to act according to the known recognised rules of the law of nations; whether these powers were really or nominally sovereign, whether they were dependent or independent.

The next point which we established, and which we now call to your lordships' recollection, is, that he was bound to proceed according to the laws, rights, laudable customs, privileges, and franchises of the country that he governed; and we contended, that to such laws, rights, privileges, and franchises, the people of the country had a clear and just claim.

Having established these point as the basis of Mr. Hastings's general power, we contended that he was obliged by the nature of his relation, as a servant to the company, to be obedient to their orders at all times; and particularly where he had entered into special covenants regarding special articles of obedience. These are the principles by which we have examined the conduct of this man, and upon which we have brought him to your lordships' bar for judgment. This is our table of the law. Your lordships shall now be shown

the table by which he claims to be judged; but I will first beg your lordships to take notice of the utter contempt with which he treats all our acts of parliament. Speaking of the absolute sovereignty which he would have you believe is exercised by the princes of India, he says, "The sovereignty which they assumed, it fell to my lot very unexpectedly to exert, and whether or not such power or powers of that nature were delegated to me by any provisions of any act of parliament, I confess myself too little of a lawyer to pronounce," and so on. This is the manner in which he treats an act of parliament! In the place of acts of parliament he substitutes his own arbitrary will. This he contends is the sole law of the country he governed, as laid down in what he calls the arbitrary institutes of Ghinges Khân and Tamerlane. This arbitrary will he claims, to the exclusion of the Gentoo law, the Mahomedan law, and the law of his own country. He claims the right of making his own will the sole rule of his government, and justifies the exercise of this power by the examples of Aliverdi Khân, Cossim Ali Khân, Sujah Dowlah Khân, and all those Khâns who have rebelled against their masters, and desolated the countries subjected to their rule. This, my lords, is the law which he has laid down for himself, and these are the examples which he has expressly told the House of Commons he is resolved to follow. These examples, my lords, and the principles with which they are connected, without any softening or mitigation, he has prescribed to you as the rule by which his conduct is to be judged.

Another principle of the prisoner is, that, whenever the company's affairs are in distress, even when that distress proceeds from his own prodigality, mismanagement, or corruption, he has a right to take for the company's benefit privately in his own name, with the future application of it to their use reserved in his own breast, every kind of bribe or corrupt present whatever.

I have now restated to your lordships the maxims by

which the prisoner persists in defending himself, and the principles upon which we claim to have him judged. The issue before your lordships is a hundred times more important than the cause itself, for it is to determine by what law or maxims of law the conduct of governors is to be judged.

On one side, your lordships have the prisoner declaring that the people have no laws, no rights, no usages, no distinctions of rank, no sense of honor, no property; in short that they are nothing but a herd of slaves to be governed by the arbitrary will of a master. On the other side, we assert that the direct contrary of this is true. And to prove our assertion we have referred you to the institutes of Ghinges Khân and of Tamerlane: we have referred you to the Mahomedan law, which is binding upon all, from the crowned head to the meanest subject; a law interwoven with a system of the wisest, the most learned, and most enlightened jurisprudence that perhaps ever existed in the world. We have shown you, that if these parties are to be compared together, it is not the rights of the people which are nothing, but rather the rights of the sovereign which are so. The rights of the people are every thing, as they ought to be in the true and natural order of things. God forbid that these maxims should trench upon sovereignty, and its true, just, and lawful prerogative: on the contrary, they ought to support and establish them. The sovereign's rights are undoubtedly sacred rights, and ought to be so held in every country in the world; because exercised for the benefit of the people, and in subordination to that great end for which alone God has vested power in any man or any set of men. This is the law that we insist upon, and these are the principles upon which your lordships are to try the prisoner at your bar.

Let me remind your lordships, that these people lived under the laws to which I have referred you, and that these laws were formed whilst we, I may say, were in the forest; certainly before we knew what technical jurisprudence was. These laws are allowed to be the basis and substratum of the man-

ners, customs, and opinions of the people of India; and we contend, that Mr. Hastings is bound to know them and to act by them; and I shall prove, that the very condition upon which he received power in India, was to protect the people in their laws and known rights. But whether Mr. Hastings did know these laws, or whether, content with credit gained by as base a fraud as was ever practised, he did not read the books which Nobkissin paid for; we take the benefit of them: we know and speak after knowledge of them. And although I believe his counsel have never read them, I should be sorry to stand in this place, if there was one word and tittle in these books that I had not read over.

We therefore come here and declare to you, that he is not borne out by these institutes, either in their general spirit, or in any particular passage, to which he has the impudence to appeal, in the assumption of the arbitrary power which he has exercised. We claim, that, as our own government, and every person exercising authority in Great Britain is bound by the laws of Great Britain, so every person exercising authority in another country shall be subject to the laws of that country; since otherwise, they break the very covenant by which we hold our power there. Even if these institutes had been arbitrary, which they are not, they might have been excused as the acts of conquerors. But, my lords, he is no conqueror, nor any thing but what you see him; a bad scribbler of absurd papers, in which he can put no two sentences together without contradiction. We know him in no other character than that of having been a bullock contractor for some years; of having acted fraudulently in that capacity, and afterwards giving fraudulent contracts to others; and yet I will maintain, that the first conquerors of the world would have been base and abandoned if they had assumed such a right as he dares to claim. It is the glory of all such great men to have for their motto, *Parcere subjectis et debellare superbos.* These were men that said they would recompense the countries which they had obtained

through torrents of blood, through carnage and violence; by the justice of their institutions, the mildness of their laws, and the equity of their government. Even if these conquerors had promulgated arbitrary institutes instead of disclaiming them in every point, you, my lords, would never suffer such principles of defence to be urged here; still less will you suffer the examples of men acting by violence, of men acting by wrong;—the example of a man who has become a rebel to his sovereign in order that he should become the tyrant of his people, to be examples for a British governor, or for any governor. We here confidently protest against this mode of justification, and we maintain that his pretending to follow these examples is in itself a crime; the prisoner has ransacked all Asia for principles of despotism; he has ransacked all the bad and corrupted part of it for tyrannical examples to justify himself; and certainly in no other way can he be justified.

Having established the falsehood of the first principle of the prisoner's defence, that sovereignty, wherever it exists in India, implies in its nature and essence a power of exacting any thing from the subject, and disposing of his person and property;—we now come to his second assertion, that he was the true, full, and perfect representative of that sovereignty in India.

In opposition to this assertion we first do positively deny, that he or the company are the perfect representative of any sovereign power whatever. They have certain rights by their charter, and by acts of parliament, but they have no other. They have their legal rights only, and these do not imply any such thing as sovereign power. The sovereignty of Great Britain is in the king; he is the sovereign of the Lords and the sovereign of the Commons, individually and collectively; and as he has his prerogative established by law, he must exercise it, and all persons claiming and deriving under him, whether by act of parliament, whether by charter of the crown, or by any other mode whatever, all are alike bound

by law, and responsible to it. No one can assume or receive any power of sovereignty, because the sovereignty is in the crown, and cannot be delegated away from the crown; no such delegation ever took place, or ever was intended; as any one may see in the act by which Mr. Hastings was nominated governor. He cannot, therefore, exercise that high supreme sovereignty, which is vested by the law, with the consent of both houses of parliament, in the king, and in the king only. It is a violent, rebellious assumption of power, when Mr. Hastings pretends fully, perfectly, and entirely, to represent the sovereign of this country, and to exercise legislative, executive, and judicial authority, with as large and broad a sway as his majesty, acting with the consent of the two houses of parliament, and agreeably to the laws of this kingdom. I say, my lords, this is a traitorous and rebellious assumption which he has no right to make, and which we charge against him, and therefore it cannot be urged in justification of his conduct in any respect.

He next alleges, with reference to one particular case, that he received this sovereignty from the Vizier Sujah Dowlah, who, he pretends, was sovereign, with an unlimited power over the life, goods, and property of Cheit Sing. This we positively deny. Whatever power the supreme sovereign of the empire had, we deny that it was delegated to Sujah Dowlah. He never was in possession of it. He was a vizier of the empire; he had a grant of certain lands for the support of that dignity, and we refer you to the institutes of Timour, to the institutes of Akbar, to the institutes of the Mahomedan law, for the powers of delegated governors and viceroys. You will find, that there is not a trace of sovereignty in them; but that they are, to all intents and purposes, mere subjects, and, consequently, as Sujah Dowlah had not these powers he could not transfer them to the India Company. His master, the Mogul emperor, had them not. I defy any man to show an instance of that emperor's claiming any such thing as arbitrary power; much less can it be

claimed by a rebellious viceroy who had broken loose from his sovereign's authority, just as this man broke loose from the authority of parliament. The one had not a right to give, nor the other to receive such powers; but whatever rights were vested in the mogul, they cannot belong either to Sujah Dowlah, to Mr. Hastings, or to the company. These latter are expressly bound by their compact to take care of the subjects of the empire, and to govern them according to law, reason, and equity; and when they do otherwise, they are guilty of tyranny, of a violation of the rights of the people, and of rebellion against their sovereign.

We have taken these pains to ascertain and fix principles, because your lordships are not called upon to judge of facts. A jury may find facts, but no jury can form a judgment of law; it is an application of the law to the fact that makes the act criminal or laudable. You must find a fixed standard of some kind or other; for if there is no standard but the immediate momentary purpose of the day, guided and governed by the man who uses it, fixed not only for the disposition of all the wealth and strength of the state, but for the life, fortune, and property of every individual, your lordships are left without a principle to direct your judgment. This high court—this supreme court of appeal from all the courts of the kingdom—this highest court of criminal jurisdiction, exercised upon the requisition of the House of Commons, if left without a rule, would be as lawless as the wild savage, and as unprincipled as the prisoner that stands at your bar. Our whole issue is upon principles, and what I shall say to you will be in perpetual reference to them, because it is better to have no principles at all than to have false principles of government and of morality. Leave a man to his passions, and you leave a wild beast to a savage and capricious nature. A wild beast, indeed, when its stomach is full will caress you, and may lick your hands; in like manner when a tyrant is pleased, or his passion satiated, you may have a happy and serene day under an arbitrary govern-

ment. But when the principle founded on solid reason, which ought to restrain passion, is perverted from its proper end, the false principle will be substituted for it, and then man becomes ten times worse than a wild beast. The evil principle, grown solid and perennial, goads him on and takes entire possession of his mind; and then perhaps the best refuge, that you can have from that diabolical principle, is in the natural wild passions and unbridled appetites of mankind. This is a dreadful state of things; and therefore we have thought it necessary to say a great deal upon his principles.

My lords, we come next to apply these priniples to facts which cannot otherwise be judged, as we have contended and do now contend. I will not go over facts which have been opened to you by my fellow managers; if I did so, I should appear to have a distrust, which I am sure no other man has, of the greatest abilities displayed in the greatest of all causes. I should be guilty of a presumption, which I hope I shall not dream of, but leave to those who exercise arbitrary power; in supposing that I could go over the ground which my fellow managers have once trodden, and make any thing more clear and forcible than they have done. In my humble opinion, human ability cannot go farther than they have gone; and if I ever allude to any thing which they have already touched, it will be to show it in another light;—to mark more particularly its departure from the principles upon which we contend you ought to judge; or to supply those parts which through bodily infirmity, and I am sure nothing else, one of my excellent fellow managers has left untouched. I am here alluding to the case of Cheit Sing.

My honorable fellow manager, Mr. Grey, has stated to you all the circumstances requisite to prove two things:—First, that the demands, made by Mr. Hastings upon Cheit Sing, were contrary to fundamental treaties between the company and that rajah:—and next, that they were the result and effect of private malice and corruption. This having been stated and proved to you, I shall take up the subject where it was left.

My lords, in the first place I have to remark to you, that the whole of the charge originally brought by Mr. Hastings against Cheit Sing, in justification of his wicked and tyrannical proceedings, is, that he had been dilatory, evasive, shuffling, and unwilling to pay that which, however unwilling, evasive, and shuffling, he did pay. And that, with regard to the business of furnishing cavalry, the rajah has asserted, and his assertion has not been denied, that when he was desired by the council to furnish these troopers, the purpose for which this application was made, was not mentioned or alluded to, nor was there any place of muster pointed out. We therefore contended, that the demand was not made for the service of the state; but for the oppression of the individual that suffered by it.

But admitting the rajah to have been guilty of delay and unwillingness, what is the nature of the offence? If you strip it of the epithets by which it has been disguised, it merely amounts to an unwillingness in the rajah, to pay more than the sums stipulated by the mutual agreement existing between him and the company. This is the whole of it; the whole front and head of the offence; and for this offence, such as it is, and admitting that he could be legally fined for it, he was subjected to the secret punishment of giving a bribe to Mr. Hastings, by which he was to buy off the fine, and which was consequently a commutation for it.

That your lordships may be enabled to judge more fully of the nature of this offence, let us see in what relation Cheit Sing stood with the company. He was, my lords, a person clothed with every one of the attributes of sovereignty, under a direct stipulation that the company should not interfere in his internal government. The military and civil authority, the power of life and death, the whole revenue, and the whole administration of the law, rested in him. Such was the sovereignty he possessed within Benares; but he was a subordinate sovereign, dependent upon a superior, according to the tenor of his compact, expressed or implied. Now

having contended, as we still contend, that the law of nations is the law of India as well as of Europe, because it is the law of reason and the law of nature, drawn from the pure sources of morality, of public good, and of natural equity, and recognised and digested into order by the labor of learned men, I will refer your lordships to Vattel, book 1, cap. 16, where he treats of the breach of such agreements, by the protector refusing to give protection, or the protected refusing to perform his part of the engagement. My design, in referring you to this author, is to prove that Cheit Sing, so far from being blamable in raising objections to the unauthorized demand made upon him by Mr. Hastings, was absolutely bound to do so, nor could he have done otherwise, without hazarding the whole benefit of the agreement upon which his subjection and protection were founded. The law is the same with respect to both contracting parties; if the protected or protector does not fulfil with fidelity *each his separate stipulation*, the protected may resist the unauthorized demand of the protector, or the protector is discharged from his engagement; he may refuse protection, and declare the treaty broken.

We contend in favor of Cheit Sing, in support of the principles of natural equity, and of the law of nations, which is the birthright of us all; we contend, I say, that Cheit Sing would have established, in the opinions of the best writers on the law of nations, a precedent against himself for any future violation of the engagement, if he submitted to any new demand, without what our laws call a continual claim or perpetual remonstrance against the imposition. Instead, therefore, of doing that which was criminal, he did that which his safety and his duty bound him to do, and for doing this he was considered by Mr. Hastings as being guilty of a great crime. In a paper which was published by the prisoner, in justification of this act, he considers the rajah to have been guilty of rebellious intentions; and he represents these acts of contumacy, as he calls them, not as proofs of

contumacy merely, but as proofs of a settled design to rebel, and to throw off the authority of that nation by which he was protected. This belief he declares on oath to be the ground of his conduct towards Cheit Sing.

Now, my lords, we do contend, that if any subject under any name, or of any description, be not engaged in public open rebellion, but continues to acknowledge the authority of his sovereign, and if tributary to pay tribute conformably to agreement; such a subject, in case of being suspected of having formed traitorous designs, ought to be treated in a manner totally different from that which was adopted by Mr. Hastings. If the rajah of Benares had formed a secret conspiracy, Mr. Hastings had a state duty and a judicial duty to perform. He was bound, as governor, knowing of such a conspiracy, to provide for the public safety; and, as a judge, he was bound to convene a criminal court, and to lay before it a detailed accusation of the offence. He was bound to proceed publicly and legally against the accused, and to convict him of his crime, previous to his inflicting, or forming any intention of inflicting, punishment. I say, my lords, that Mr. Hastings, as a magistrate, was bound to proceed against the rajah, either by English law, by Mahomedan law, or by the Gentoo law; and that by all or any of these laws, he was bound to make the accused acquainted with the crime alleged, to hear his answer to the charge, and to produce evidence against him, in an open, clear, and judicial manner. And here, my lords, we have again to remark, that the Mahomedan law is a great discriminator of persons, and that it prescribes the mode of proceeding against those who are accused of any delinquency requiring punishment, with a reference to the distinction and rank which the accused held in society. The proceedings are exceedingly sober, regular, and respectful, even to criminals charged with the highest crimes; and every magistrate is required to exercise his office in the prescribed manner. In the Hedaia, after declaring and discussing the propriety of the cauzy's sitting openly in the

execution of his office, it is added, that there is no impropriety in the cauzy sitting in his own house to pass judgment; but it is requisite that he give orders for a free access to the people. It then proceeds thus: "It is requisite that such people sit along with the cauzy as were used to sit with him, prior to his appointment to the office; because, if he were to sit alone in his house, he would thereby give rise to suspicion."*

My lords, having thus seen what the duty of a judge is in such a case, let us examine whether Mr. Hastings observed any part of the prescribed rules. First, with regard to the publicity of the matter. Did he ever give any notice to the supreme council of the charges, which, he says, he had received against Cheit Sing? Did he accuse the rajah in the council, even when it was reduced to himself and his poor, worn down, cowed, and, I am afraid, bribed colleague, Mr. Wheler? Did he even then, I ask, produce any one charge against this man? He sat in council as a judge; as an English judge; as a Mahomedan judge; as a judge by the Gentoo law, and by the law of nature. He should have summoned the party to appear in person, or by his attorney, before him, and should have there informed him of the charge against him. But, my lords, he did not act thus. He kept the accusation secret in his own bosom. And why? Because he did not believe it to be true. This may at least be inferred from his having never informed the council of the matter. He never informed the rajah of Benares of the suspicions entertained against him, during the discussions which took place respecting the multiplied demands that were made upon him. He never told this victim, as he has had the audacity to tell us and all this kingdom, in the paper that is before your lordships, that he looked upon these refusals to comply with his demands to be overt acts of rebellion; nor did he ever call upon him to answer or to justify

* Hedaia, 2 vol. p. 621.

himself with regard to that imputed conspiracy or rebellion. Did he tell Sadanund, the rajah's agent, when that agent was giving him a bribe or a present in secret, and was thus endeavoring to deprecate his wrath, that he accepted that bribe because his master was in rebellion? Never, my lords; nor did he, when he first reached Benares, and had the rajah in his power, suggest one word concerning this rebellion. Did he, when he met Mr. Markham at Bauglepore, where they consulted about the destruction of this unhappy man, did he tell Mr. Markham, or did Mr. Markham insinuate to him any one thing about this conspiracy and rebellion? No; not a word there, or in his whole progress up the country. While at Bauglepore he wrote a letter to Lord Macartney upon the state of the empire, giving him much and various advice. Did he insinuate in that letter, that he was going up to Benares to suppress a rebellion of the rajah Cheit Sing or to punish him? No; not a word. Did he, my lords, at the eve of his departure from Calcutta, when he communicated his intention of taking £500,000, which he calls a fine or penalty, from the rajah, did he inform Mr. Wheler of it? No, not a word of his rebellion nor any thing like it. Did he inform his secret confidants, Mr. Anderson and Major Palmer, upon that subject? Not a word, there was not a word dropped from him of any such rebellion, or of any intention in the rajah Cheit Sing to rebel. Did he, when he had vakeels in every part of the Mahratta empire and in the country of Sujah Dowlah; when he had in most of those courts English ambassadors and native spies; did he either from ambassadors or spies receive any thing like authentic intelligence upon this subject? While he was at Benares he had in his hands Beneram Pundit, the vakeel of the rajah of Berar, his own confidential friend, a person whom he took out of the service of his master, and to whom he gave a jaghire in this very zemindary of Benares. This man, so attached to Mr. Hastings, so knowing in all the transactions of India, neither accused Cheit Sing of rebellious intentions, nor furnished

Mr. Hastings with one single proof that any conspiracy with any foreign power existed.

In this absence of evidence, my lords, let us have recourse to probability. Is it to be believed that the zemindar of Benares, a person whom Mr. Hastings describes as being of a timid, weak, irresolute, and feeble nature, should venture to make war alone with the whole power of the company in India; aided by all the powers which Great Britain could bring to the protection of its Indian empire? Could that poor man, in his comparatively small district, possibly have formed such an intention, without giving Mr. Hastings access to the knowledge of the fact, from one or other of the numerous correspondents which he had in that country?

As to the rajah's supposed intrigues with the nabob of Oude, this man was an actual prisoner of Mr. Hastings, and nothing else; a mere vassal, as he says himself, in effect and substance, though not in name. Can any one believe or think, that Mr. Hastings would not have received from the English resident, or from some one of that tribe of English gentlemen and English military collectors, who were placed in that country in the exercise of the most arbitrary powers, some intelligence, which he could trust, if any rebellious designs had really existed previous to the rebellion, which did actually break out upon his arresting Cheit Sing?

There was an ancient Roman lawyer, of great fame in the history of Roman jurisprudence, whom they called *Cui Bono*, from his having first introduced into juridical proceedings the argument — *what end or object could the party have had in the act with which he is accused?* Surely it may be here asked, why should Cheit Sing wish to rebel, who held on easy and moderate terms (for such I admit they were) a very considerable territory with every attribute of royalty attached? The tribute was paid for protection, which he had a right to claim, and which he actually received. What reason under Heaven could he have to go and seek another master; to place himself under the protection of Sujah Dowlah, in whose

hands Mr. Hastings tells you, in so many direct and plain words, that neither the rajah's property, his honor, nor his life could be safe? Was he to seek refuge with the Mahrattas, who, though Gentoos like himself, had reduced every nation which they subdued, except those who were originally of their own empire, to a severe servitude? Can any one believe, that he wished either for the one or the other of these changes; or, that he was desirous to quit the happy independent situation in which he stood under the protection of the British empire, from any loose, wild, improbable notion of mending his condition? My lords, it is impossible. There is not one particle of evidence, not one word of this charge on record, prior to the publication of Mr. Hastings's narrative; and all the presumptive evidence in the world would scarcely be sufficient to prove the fact, because it is almost impossible that it should be true.

But, my lords, although Mr. Hastings swore to the truth of this charge, when he came before the House of Commons, yet in his narrative he thus fairly and candidly avowed, that he entertained no such opinion at the time. "Every step," says he, "which I had taken before that fatal moment, namely the flight of Cheit Sing, is an incontrovertible proof that I had formed no design of seizing upon the rajah's treasures or of deposing him. And certainly at the time when I did form the design of making the punishment, that his former ill conduct deserved, subservient to the exigencies of the state, by a large fine, I did not believe him guilty of that premeditated project for driving the English out of India, with which I afterwards charged him." Thus then he declares upon oath, that the rajah's contumacy was the ground of his suspecting him of rebellion, and yet when he comes to make his defence before the House of Commons, he simply and candidly declares, that long after these alleged acts of contumacy had taken place, he did not believe him to be guilty of any such thing as rebellion, and that the fine imposed upon him was for another reason and another purpose.

In page 28 of your printed minutes, he thus declares the purpose for which the fine was imposed. "I can answer only to this formidable dilemma, that so long as I conceived Cheit Sing's misconduct and contumacy to have me rather than the company for its object, at least to be merely the effect of pernicious advice or misguided folly, without any formal design of openly resisting our authority or disclaiming our sovereignty; I looked upon a considerable fine as sufficient both for his immediate punishment and for binding him to future good behavior."

Here, my lords, the secret comes out. He declares it was not for a rebellion or a suspicion of rebellion that he resolved, over and above all his exorbitant demands, to take from the rajah £500,000, (a good stout sum to be taken from a tributary power,) that it was not for misconduct of this kind that he took this sum, but for personal ill behavior towards himself. I must again beg your lordships to note that he then considered the rajah's contumacy as having for its object not the company, but Warren Hastings, and that he afterwards declared publicly to the House of Commons; — and now before your lordships, he declares finally and conclusively, that he did believe Cheit Sing to have had the criminal intention imputed to him.

"So long," says he, "as I conceived Cheit Sing's misconduct and contumacy to have *me*" (in italics as he ordered it to be printed) rather than the company, for its object, so long I was satisfied with a fine. I therefore entertained no serious thoughts of expelling him or proceeding otherwise to violence; but when he and his people broke out into the most atrocious acts of rebellion and murder, when the *jus fortioris et lex ultima regum* were appealed to on his part, (and without any sufficient plea afforded him on mine,) I from that moment considered him as the traitor and criminal described in the charge, and no concessions, no humiliations, could ever after induce me to settle on him the zemindary of Benares, or any other territory, upon any footing whatever."

Thus, then, my lords, he has confessed, that the era and the only era of rebellion was when the tumult broke out upon the act of violence offered by himself to Cheit Sing; and upon the ground of that tumult, or rebellion as he calls it, he says, he never would suffer him to enjoy any territory or any right whatever. We have fixed the period of the rebellion for which he is supposed to have exacted this fine; this period of rebellion was after the exaction of the fine itself, so that the fine was not laid for the rebellion, but the rebellion broke out in consequence of the fine and the violent measure accompanying it. We have established this, and the whole human race cannot shake it. He went up the country through malice to revenge his own private wrongs, not those of the company. He fixed £500,000 as a mulct for an insult offered to himself, and then a rebellion broke out in consequence of his violence. This was the rebellion and the only rebellion; it was Warren Hastings's rebellion, a rebellion which arose from his own dreadful exaction; from his pride, from his malice and insatiable avarice; a rebellion which arose from his abominable tyranny, from his lust of arbitrary power, and from his determination to follow the examples of Sujah Dowlah, Azoph ul Dowlah, Cossim Ali Khân, Aliverdi Khân, and all the gang of rebels who are the objects of his imitation.

My patience, says he, *was exhausted*. Your lordships have, and ought to have, a judicial patience. Mr. Hastings has none of any kind. I hold that patience is one of the great virtues of a governor; it was said of Moses, that he governed by patience, and that he was the meekest man upon earth. Patience is also the distinguishing character of a judge; and I think your lordships, both with regard to us and with regard to him, have shown a great deal of it; we shall ever honor the quality, and if we pretend to say, that we have had great patience in going through this trial, so your lordships must have had great patience in hearing it. But this man's patience, as he himself tells you, was soon exhausted.

"I considered," he says, "the light in which such behavior would have been viewed by his native sovereign, and I resolved he should feel the power he had so long insulted. Forty or fifty lacks of rupees would have been a moderate fine for Sujah ul Dowlah to exact: he who had demanded twenty-five lacks for the mere fine of succession, and received twenty in hand, and an increased rent tantamount to considerably above thirty lacks more; and therefore I rejected the offer of twenty, with which the rajah would have compromised for his guilt when it was too late."

Now, my lords, observe who his models were, when he intended to punish this man for an insult on himself. Did he consult the laws? Did he look to the Institutes of Timour, or to those of Ghinges Khân? Did he look to the Hedaia, or to any of the approved authorities in this country? No, my lords; he exactly followed the advice which Longinus gives to a great writer: — Whenever you have a mind to elevate your mind; to raise it to its highest pitch, and even to exceed yourself, upon any subject, think how Homer would have described it, how Plato would have imagined it, and how Demosthenes would have expressed it; and when you have so done, you will then, no doubt, have a standard which will raise you up to the dignity of any thing that human genius can aspire to. Mr. Hastings was calling upon himself, and raising his mind to the dignity of what tyranny could do; what unrighteous exaction could perform. He considered, he says, how much Sujah Dowlah would have exacted, and that he thinks would not be too much for him to exact. He boldly avows, I raised my mind to the elevation of Sujah Dowlah. I considered what Cossim Ali Khân would have done, or Aliverdi Khân, who murdered and robbed so many. I had all this line of great examples before me, and I asked myself what fine they would have exacted upon such an occasion. But, says he, Sujah Dowlah levied a fine of twenty lacks for a right of *succession.*

Good God! my lords, if you are not appalled with the violent injustice of arbitrary proceedings, you must feel something humiliating at the gross ignorance of men who are in this manner playing with the rights of mankind. This man confounds a fine upon succession with a fine of penalty. He takes advantage of a defect in the technical language of our law, which, I am sorry to say, is not in many parts as correct in its distinctions and as wise in its provisions as the Mahomedan law. We use the word fine in three senses; first, as a punishment and penalty; secondly, as a formal means of cutting off by one form the ties of another form, which we call levying a fine; and thirdly, we use the word to signify a sum of money payable upon a renewal of a lease or copyhold. The word has, in each case, a totally defferent sense; but such is the stupidity and barbarism of the prisoner, that he confounds these senses, and tells you Sujah Dowlah took twenty-five lacks as a fine from Cheit Sing, for the renewal of his zemindary, and therefore as a punishment for his offences, he shall take fifty. Suppose any one of your lordships, or of us were to be fined for assault and battery, or for any thing else, and it should be said, you paid such a fine for a bishop's lease; you paid such a fine on the purchase of an estate, and therefore now that you are going to be fined for a punishment, we will take the measure of the fine not from the nature and quality of your offence, not from the law upon the subject or from your ability to pay; but the amount of a fine you paid some years ago for an estate, shall be the measure of your punishment. My lords, what should we say of such brutish ignorance, and such shocking confusion of ideas?

When this man had elevated his mind according to the rules of art, and stimulated himself to great things by great examples, he goes on to tell you that he rejected the offer of twenty lacks with which the rajah would have compounded for his guilt when it was too late.

Permit me, my lords, to say a few words here, by way of referring back all this monstrous heap of violence and absur-

dity to some degree of principle. Mr. Hastings having completely acquitted the rajah of any other fault than contumacy, and having supposed even that to be only personal to himself, he thought a fine of £500,000 would be a proper punishment. Now when any man goes to exact a fine, it presupposes inquiry, charge, defence, and judgment. It does so in the Mahomedan law; it does so in the Gentoo law; it does so in the law of England, in the Roman law, and in the law, I believe, of every nation under heaven, except in that law, which resides in the arbitrary breast of Mr. Hastings, poisoned by the principles and stimulated by the examples of those wicked traitors and rebels whom I have before described. He mentions his intention of levying a fine; but does he make any mention of having charged the rajah with his offences? It appears that he held an incredible quantity of private correspondence through the various residents, through Mr. Graham, Mr. Fowke, Mr. Markham, Mr. Benn, concerning the affairs of that country. Did he ever, upon this alleged contumacy, (for at present I put the rebellion out of the question,) inquire the progress of this personal affront offered to the governor-general of Bengal? Did he ever state it to the rajah, or did he call his vakeel before the council to answer the charge? Did he examine any one person or particularize a single fact in any manner whatever? No. What then did he do? Why, my lords, he declared himself the person injured, stood forward as the accuser, assumed the office of judge, and proceeded to judgment without a party before him, without trial, without examination, without proof. He thus directly reversed the order of justice. He determined to fine the rajah when his own patience, as he says, was exhausted, not when justice demanded the punishment. He resolved to fine him in the enormous sum of £500,000. Does he inform the council of this determination? No. The court of directors? No. Any one of his confidants? No, not one of them; not Mr. Palmer, not Mr. Middleton, nor any of that legion of secretaries that he had; nor did he

even inform Mr. Malcolm of his intentions until he met him at Bauglepore.

In regard ro the object of his malice, we only know that many letters came from Cheit Sing to Mr. Hastings, in which the unfortunate man endeavored to appease his wrath, and to none of which he ever gave an answer. He is an accuser preferring a charge and receiving apologies, without giving the party an answer; although he had a crowd of secretaries about him, maintained at the expense of the miserable people of Benares, and paid by sums of money drawn fraudulently from their pockets. Still not one word of answer was given, till he had formed the resolution of exacting a fine, and had actually by torture made his victim's servant discover where his master's treasures lay, in order that he might rob him of all his family possessed. Are these the proceedings of a British judge; or are they not rather such as are described by Lord Coke—(and these learned gentlemen, I dare say, will remember the passage; it is too striking not to be remembered) as "*the damned and damnable proceedings of a judge in hell.*" Such a judge has the prisoner at your bar proved himself to be. First, he determines upon the punishment, then he prepares the accusation, and then by torture and violence endeavors to extort the fine.

My lords, I must again beg leave to call your attention to his mode of proceeding in this business. He never entered any charge. He never answered any letter. Not that he was idle. He was carrying on a wicked and clandestine plot for the destruction of the rajah, under the pretence of this fine; although the plot was not known, I verily believe, to any European at the time. He does not pretend that he told any one of the company's servants of his intentions of fining the rajah; but that some hostile project against him had been formed by Mr. Hastings was perfectly well known to the natives. Mr. Hastings tells you that Cheit Sing had a vakeel at Calcutta, whose business it was to learn the general transactions of our government, and the most minute

particulars which could, in any manner, affect the interest of his employer.

I must here tell your lordships, that there is no court in Asia, from the highest to the lowest, no petty sovereign that does not both employ and receive what they call hircarrahs, or in other words, persons to collect and to communicate political intelligence. These men are received with the state and in the rank of ambassadors; they have their place in the Durbar, and their business as authorized spies, is as well known there as that of ambassadors extraordinary and ordinary in the courts of Europe. Mr. Hastings had a public spy in the person of the resident, at Benares, and he had a private spy there in another person. The spies employed by the native powers had, by some means, come to the knowledge of Mr. Hastings's clandestine and wicked intentions towards this unhappy man, Cheit Sing, and his unhappy country, and of his designs for the destruction and the utter ruin of both. He has himself told you, and he has got Mr. Anderson to vouch it, that he had received proposals for the sale of this miserable man and his country. And from whom did he receive these proposals, my lords? Why, from the nabob, Azoph ul Dowlah, to whom he threatened to transfer both the person of the rajah and his zemindary if he did not redeem himself by some pecuniary sacrifice. Now Azoph ul Dowlah, as appears by the minutes on your lordships' table, was at that time a bankrupt. He was in debt to the company tenfold more than he could pay, and all his revenues were sequestered for that debt. He was a person of the last degree of indolence, with the last degree of rapacity. A man, of whom Mr. Hastings declared, that he had wasted and destroyed by his misgovernment the fairest provinces upon earth; that not a person in his dominions was secure from his violence, and that even his own father could not enjoy his life and honor in safety under him. This avaricious bankrupt tyrant, who had beggared and destroyed his own subjects, and could not pay his debts to the English

government, was the man with whom Mr. Hastings was in treaty to deliver up Cheit Sing and his country, under pretence of his not having paid regularly to the company those customary payments, which the tyrant would probably have never paid at all, if he had been put in possession of the country. This I mention to illustrate Mr. Hastings's plans of economy and finance, without considering the injustice and cruelty of delivering up a man to the hereditary enemy of his family.

It is known, my lords, that Mr. Hastings, besides having received proposals for delivering up the beautiful country of Benares, that garden of God, as it is styled in India, to that monster, that rapacious tyrant, Azoph ul Dowlah, who, with his gang of mercenary troops, had desolated his own country like a swarm of locusts; had purposed, likewise, to seize Cheit Sing's own patrimonial forts, which was nothing less than to take from him the residence of his women and his children, the seat of his honor, the place in which the remaining treasures and last hopes of his family were centered. By the Gentoo law, every lord or supreme magistrate is bound to construct, and to live in such a fort. It is the usage of India, and is a matter of state and dignity, as well as of propriety, reason, and defence. It was probably an apprehension of being injured in this tender point, as well as a knowledge of the proposal made by the nabob, which induced Cheit Sing to offer to buy himself off; although it does not appear from any part of the evidence, that he assigned any other reason than that of Mr. Hastings intending to exact from him six lacks of rupees over and above his other exactions.

Mr. Hastings indeed almost acknowledges the existence of this plot against the rajah, and his being the author of it. He says, without any denial of the fact, that the rajah suspected some strong acts to be intended against him, and therefore asked Mr. Markham, whether he could not buy them off, and obtain Mr. Hastings's favor by the payment

of £200,000. Mr. Markham gave, as his opinion, that £200,000 was not sufficient; and the next day the rajah offered £20,000 more, in all £220,000. The negotiation, however, broke off; and why? Not, as Mr. Markham says he conjectured, because the rajah had learned that Mr. Hastings had no longer an intention of imposing these six lacks, or something to that effect, and therefore retracted his offer; but because that offer had been rejected by Mr. Hastings.

Let us hear what reason the man, who was in the true secret, gives for not accepting the rajah's offer. "I rejected," says Mr. Hastings, "the offer of twenty lacks, with which the rajah would have compromised for his guilt when it was too late." My lords, he best knows what the motives of his own actions were. He says, the offer was made "when it was too late." Had he previously told the rajah what sum of money he would be required to pay, in order to buy himself off; or had he required him to name any sum which he was willing to pay? Did he, after having refused the offer made by the rajah, say, Come, and make me a better offer, or upon such a day I shall declare that your offers are inadmissible? No such thing appears. Your lordships will further remark, that Mr. Hastings refused the £200,000 at a time when the exigencies of the company were so pressing, that he was obliged to rob, pilfer, and steal upon every side; at a time when he was borrowing £40,000 from Mr. Sullivan in one morning, and raising by other under jobs £27,000 more. In the distress which his own extravagance and prodigality had involved him, £200,000 would have been a weighty benefit, although derived from his villany; but this relief he positively refused, because, says he, the offer came too late. From these words, my lords, we may infer, that there was a time when the offer would not have been "too late;"—a period at which it would have been readily accepted. No such thing appears. There is not a trace upon your minutes, not a trace in the correspondence of the company to prove, that the rajah would, at any time, have been permitted to buy himself off from this complicated tyranny.

I have already stated a curious circumstance in this proceeding, to which I must again beg leave to direct your lordships' attention. Does it any where appear in that correspondence, or in the testimony of Mr. Benn, of Mr. Markham, or of any human being, that Mr. Hastings had ever told Cheit Sing with what sum he should be satisfied? There is evidence before you directly in proof, that they did not know the amount. Not one person knew what his intention was, when he refused this £200,000. For when he met Mr. Markham at Bauglepore, and for the first time mentioned the sum of £500,000 as the fine he meant to exact, Mr. Markham was astonished and confounded at its magnitude. He tells you this himself. It appears, then, that neither Cheit Sing nor the resident at Benares (who ought to have been in the secret, if upon such an occasion secrecy is allowable) ever knew what the terms were. The rajah was in the dark; he was left to feel, blindfold, how much money could relieve him from the iniquitous intentions of Mr. Hastings; and at last he is told that his offer comes too late, without having ever been told the period at which it would have been well timed, or the amount it was proposed to take from him. Is this, my lords, the proper way to adjudge a fine?

Your lordships will now be pleased to advert to the manner in which he defends himself and these proceedings. He says, "I rejected this offer of twenty lacks, with which the rajah would have compromised for his guilt when it was too late." If by these words he means too late to answer the purpose for which he has said the fine was designed, namely, the relief of the company, the ground of his defence is absolutely false; for it is notorious, that at the time referred to, the company's affairs were in the greatest distress.

I will next call your lordships' attention to the projected sale of Benares to the nabob of Oude. "If," says Mr. Hastings, "I ever talked of selling the company's sovereignty

over Benares to the nabob of Oude, it was but *in terrorem;* and no subsequent act of mine warrants the supposition of my having seriously intended it." And in another place he says, "If I ever threatened"—Your lordships will remark, that he puts hypothetically a matter, the reality of which he has got to be solemnly declared on an affidavit, and in a narrative to the truth of which he has deposed upon oath. "If I ever threatened," says he, "to dispossess the rajah of his territories, it is no more than what my predecessors (without rebuke from their superiors, or notice taken of the expression) had wished and intended to have done to his father, even when the company had no pretensions to the sovereignty of the country. It is no more than such a legal act of sovereignty as his behavior justified, and as I was justified in by the intentions of my predecessors. If I pretended to seize upon his forts, it was in full conviction that a dependent on the company, guaranteed, maintained, and protected in his country by the company's arms, had no occasion for forts; had no right to them, and could hold them for no other than suspected and rebellious purposes. None of the company's other zemindars are permitted to maintain them; and even our ally, the nabob of the Carnatic, has the company's troops in all his garrisons. Policy and public safety absolutely require it. What state could exist, that allowed its inferior members to hold forts and garrisons independent of the superior administration? It is a solecism in government to suppose it."

Here then, my lords, he first declares that this was merely done *in terrorem;* that he never intended to execute the abominable act. And will your lordships patiently endure, that such terrific threats as these shall be hung, by your governor in India, over the unhappy people that are subject to him, and protected by British faith? Will you permit that, for the purpose of extorting money, a governor shall hold out the terrible threat of delivering a tributary prince and his people, bound hand and foot, into the power of their perfidious enemies?

The terror, occasioned by threatening to take from him his forts, can only be estimated by considering, that agreeably to the religion and prejudices of Hindoos, the forts are the places in which their women are lodged; in which, according to their notions, their honor is deposited, and in which is lodged all the wealth that they can save against an evil day, to purchase off the vengeance of an enemy. These forts, Mr. Hastings says, he intended to take, because the rajah could hold them for no other than rebellious and suspected purposes. Now I will show your lordships that the man, who has the horrible audacity to make this declaration, did himself assign to the rajah these very forts. He put him in possession of them; and when there was a dispute about the nabob's rights to them on the one side, and the company's on the other, did confirm them to this man. The paper shall be produced, that you may have before your eyes the gross contradictions into which his rapacity and acts of arbitrary power have betrayed him. Thank God, my lords, men that are greatly guilty are never wise. I repeat it, men that are greatly guilty are never wise. In their defence of one crime they are sure to meet the ghost of some former defence, which, like the spectre in Virgil, drives them back. The prisoner at your bar, like the hero of the poet, when he attempts to make his escape by one evasion, is stopped by the appearance of some former contradictory averment. If he attempts to escape by one door, there his criminal allegations of one kind stop him; if he attempts to escape at another, the facts and allegations intended for some other wicked purpose stare him full in the face.

Quacunque viam sibi fraude petivit
Successum Dea dira negat.

The paper I hold in my hand contains Nundcomar's accusation of Mr. Hastings. It consists of a variety of charges; and I will first read to you what is said by Nundcomar of these forts, which it is pretended could be held for none but suspicious and rebellious purposes.

"At the time Mr. Hastings was going to Benares, he desired me to give him an account in writing of any lands which, though properly belonging to the subah of Bahar, might have come under the dominion of Bulwant Sing, that they might be recovered from his son rajah Cheit Sing. The pergunnahs of Kera, Mungrora, and Bidjigur were exactly in this situation, having been usurped by Bulwant Sing from the subah of Bahar. I accordingly delivered to Mr. Hastings the accounts of them from the entrance of the company upon the dewanny to the year 1179 of the Fussel era, stated at twenty-four lacks. Mr. Hastings said, 'Give a copy of this to Roy Radha Churn, that if Cheit Sing is backward in acknowledging this claim, Radha Churn may answer and confute him.' Why Mr. Hastings, when he arrived at Benares, and had called rajah Cheit Sing before him, left these countries still in the rajah's usurpations, it remains with Mr. Hastings to explain."

This is Nundcomar's charge; here follows Mr. Hastings's reply; "I recollect an information given me by Nundcomar, concerning the pretended usurpations made by the rajah of Benares, of the pergunnahs of Kera, Mungrora, and Bidjigur." Your lordships will recollect, that Bidjigur is one of those very forts which he declares could not be held but for suspicious and rebellious purposes. "I do not recollect his mentioning it again, when I set out for Benares, neither did I ever intimate the subject, either to Cheit Sing or his ministers, because I knew I could not support the claim: and to have made it and dropped it, would have been, in every sense, dishonorable. Not that I passed by it with indifference or inattention. I took pains to investigate the foundation of this title, and recommended it to the particular inquiry of Mr. Vansittart, who was the chief of Patna, at the time in which I received the first intimation. The following letter and voucher, which I received from him, contain a complete statement of this pretended usurpation."

These vouchers will answer our purpose, fully to establish

that in his opinion, the claim of the English government upon those forts, was at that time totally unfounded, and so absurd, that he did not even dare to mention it. This fort of Bidjigur, the most considerable in the country, and of which we shall have much to say hereafter, is the place in which Cheit Sing had deposited his women and family. That fortress did Mr. Hastings himself give to this very man, deciding in his favor as a judge upon an examination, and after an inquiry: and yet he now declares, that he had no right to it, and that he could not hold it but for wicked and rebellious purposes. But, my lords, when he changed this language, he had resolved to take away these forts,—to destroy them,—to root the rajah out of every place of refuge—out of every secure place in which he could hide his head, or screen himself from the rancor, revenge, avarice, and malice of his ruthless foe. He was resolved to have them, although he had, upon. the fullest conviction of the rajah's right, given them to this very man, and put him into the absolute possession of them.

Again, my lords, did he, when Cheit Sing, in 1775, was put in possession by the potta of the governor-general and council, which contains an enumeration of the names of all the places which were given up to him, and consequently of this among the rest,—did he, either before he put the question in council upon that potta, or afterwards, tell the council they were going to put forts into the man's hands, to which he had no right, and which could be held only for rebellious and suspected purposes? We refer your lordships to the places in which all these transactions are mentioned, and you will there find Mr. Hastings took no one exception whatever against them; nor, till he was resolved upon the destruction of this unhappy man, did he ever so much as mention them. It was not till then, that he discovers the possession of these forts by the rajah to be a *solecism in government.*

After quoting the noble examples of Sujah Dowlah, and

the other persons whom I have mentioned to you, he proceeds to say, that some of his predecessors, without any pretensions to sovereign authority, endeavored to get these forts into their possession; and "I was justified," says he, "by the intention of my predecessors." Merciful God! if any thing can surpass what he has said before, it is this: My predecessors, without any title of sovereignty, without any right whatever, wished to get these forts into their power; I therefore have a right to do what they wished to do; and I am justified, not by the acts, but by the *intentions* of my predecessors. At the same time he knows that these predecessors had been reprobated by the company for this part of their proceedings; he knew that he was sent there to introduce a better system, and to put an end to this state of rapacity. Still, whatever his predecessors *wished*, however unjust and violent it might be, when the sovereignty came into his hands, he maintains that he had a right to do all which they were desirous of accomplishing. Thus the enormities formerly practised, which the company sent him to correct, became a sacred standard for his imitation.

Your lordships will observe, that he slips in the word *sovereignty*, and forgets compact; because it is plain, and your lordships must perceive it, that wherever he uses the word sovereignty, he uses it to destroy the authority of all compacts; and accordingly in the passage now before us he declares, that there is an invalidity in all compacts entered into in India, from the nature, state, and constitution of that empire. "From the disorderly form of its government," says he, "there is an invalidity in all compacts and treaties whatever." Persons who had no treaty with the rajah wished, says he, to rob him: therefore I, who have a treaty with him, and call myself, his sovereign, have a right to realize all their wishes.

But the fact is, my lords, that his predecessors never did propose to deprive Bulwant Sing, the father of Cheit Sing, of his zemindary. They, indeed, wished to have had the

dewanny transferred to them in the manner it has since been transferred to the company. They wished to receive his rents, and to be made an intermediate party between him and the Mogul emperor, his sovereign. These predecessors had entered into no compact with the man: they were negotiating with his sovereign for the transfer of the dewanny or stewardship of the country, which transfer was afterwards actually executed; but they were obliged to give the country itself back again to Bulwant Sing, with a guarantee against all the pretensions of Sujah Dowlah, who had tyrannically assumed an arbitrary power over it. This power the predecessors of Mr. Hastings might also have wished to assume: and he may therefore say, according to the mode of reasoning which he has adopted, whatever they wished to do, but never succeeded in doing, I may and ought to do of my own will. Whatever fine Sujah Dowlah would have exacted I will exact. I will penetrate into that tiger's bosom, and discover the latent seeds of rapacity and injustice which lurk there, and I will make him the subject of my imitation.

These are the principles upon which, without accuser, without judge, without inquiry, he resolved to lay a fine of £500,000 on Cheit Sing!

In order to bind himself to a strict fulfilment of this resolution he has laid down another very extraordinary doctrine. He has laid it down as a sort of canon, (in injustice and corruption,) that whatever demand, whether just or unjust, a man declares his intention of making upon another, he should exact the precise sum which he has determined upon, and that if he takes any thing less, it is a proof of corruption. "I have," says he, "shown by this testimony, that I never intended to make any communication to Cheit Sing of taking less than the fifty lacks, which in my own mind I had resolved to exact." And he adds, "I shall make my last and solemn appeal to the breast of every man who shall read this, whether it is likely, or morally possible, that I should have tied down my own future conduct to so decided a process and

series of acts, if I had secretly intended to threaten, or to use a degree of violence, for no other purpose than to draw from the object of it a mercenary atonement for my own private emolument, and suffer all this tumult to terminate in an ostensible and unsubstantial submission to the authority which I represented."

He had just before said, "If I ever talked of selling the company's sovereignty to the nabob of Oude, it was only *in terrorem.*" In the face of this assertion, he here gives you to understand, he never held out any thing *in terrorem*, but what he intended to execute. But we will show you, that in fact he had reserved to himself a power of acting *pro re natâ:* and that he intended to compound or not, just as answered his purposes upon this occasion. "I admit," he says, "that I did not enter it" (the intention of fining Cheit Sing) "on the consultations, because it was not necessary; even this plan itself of the fine was not a fixed plan, but to be regulated by circumstances, both as to the substantial execution of it and the mode." Now here is a man who has given it in a sworn narrative, that he did not intend to have a farthing less. Why? "Because I should have menaced and done as in former times has been done; made great and violent demands which I reduced afterwards for my own corrupt purposes." Yet he tells you in the course of the same defence, but in another paper, that he had no fixed plan, that he did not know whether he should exact a fine at all, or what should be his mode of executing it.

My lords, what shall we say to this man, who declares, that it would be a proof of corruption, not to exact the full sum, which he had threatened to exact, but who finding that this doctrine would press hard upon him, and be considered as a proof of cruelty and injustice, turns round and declares he had no intention of exacting any thing? What shall we say to a man, who thus reserves his determination, who threatens to sell a tributary prince to a tyrant, and cannot decide whether he should take from him his forts, and pil-

lage him of all he had; whether he should raise £500,000 upon him, whether he should accept the £220,000 offered, (which by the way we never knew of till long after the whole transaction,) whether he should do any or all of those things, and then by his own account going up to Benares, without having resolved any thing upon this important subject?

My lords, I will now assume the hypothesis, that he at last discovered sufficient proof of rebellious practices; still even this gave him no right to adduce such rebellion in justification of resolutions which he had taken, of acts which he had done, before he knew any thing of its existence. To such a plea we answer, and your lordships will every one of you answer, you shall not by a subsequent discovery of rebellious practices, which you did not know at the time, and which you did not even believe, as you have expressly told us here, justify your conduct prior to that discovery.

If the conspiracy which he falsely imputes to Cheit Sing; if that wild scheme of driving the English out of India had existed; think in what miserable circumstances we stand as prosecutors and your lordships as judges, if we admit a discovery to be pleaded in justification of antecedent acts, founded upon the assumed existence of that which he had no sort of proof, knowledge, or belief of!

My lords, we shall now proceed to another circumstance, not less culpable in itself, though less shocking to your feelings than those to which I have already called your attention; a circumstance which throws a strong presumption of guilt upon every part of the prisoner's conduct. Having formed all these infernal plots in his mind, but uncertain which of them he should execute, uncertain what sums of money he should extort, whether he should deliver up the rajah to his enemy, or pillage his forts; he goes up to Benares; but he first delegates to himself all the powers of government, both civil and military, in the countries, which he was going to visit.

My lords, we have asserted in our charge, that this delegation and division of power was illegal. He invested *himself* with this authority; for *he* was the majority in the council. Mr. Wheler's consent or dissent signifying nothing. He gave himself powers which the act of parliament did not give him. He went up to Benares with an illegal commission, civil and military; and to prove this I shall beg leave to read the provisions of the act of parliament. I shall show what the creature ought to be, by showing the law of the creator: what the legislature of Great Britain meant that governor Hastings should be, not what he made himself.

[Mr. Burke then read the seventh section of the act.]

Now we do deny that there is by this act given, or that under this act there can be given, to the government of India a power of dividing its unity into two parts, each of which shall separately be a unity, and possess the power given to the whole. Yet, my lords, an agreement was made between him and Mr. Wheler, that he (Mr. Hastings) should have every power civil and military, in the upper provinces, and that Mr. Wheler should enjoy equal authority in the lower ones.

Now, to show you that it is impossible for such an agreement to be legal, we must refer you to the constitution of the company's government. The whole power is vested in the council, where all questions are to be decided by a majority of voices, and the members are directed to record in the minutes of their proceedings not only the questions decided, but the grounds upon which each individual member founds his vote. Now although the council is competent to delegate its authority for any *specific* purpose to any servant of the company, yet to admit that it can delegate its authority *generally*, without reserving the means of deliberation and control, would be to change the whole constitution. By such a proceeding the government may be divided into a number of independent governments, without a common deliberative council and control. This deliberative capacity, which is so

strictly guarded by the obligation of recording its consultations, would be totally annihilated, if the council divided itself into independent parts, each acting according to its own discretion. There is no similar instance in law, there is no similar instance in policy. The conduct of these men implies a direct contradiction, and you will see, by the agreement they made to support each other, that they were themselves conscious of the illegality of this proceeding.

After Mr. Hastings had conferred absolute power upon himself during his stay in the upper provinces, by an order of council (of which council he was himself a majority) he entered the following minute in the consultations: "The governor-general delivers in the following minute. In my minute which I laid before the court on the 21st of May, I expressed the satisfaction with which I could at this juncture leave the presidency, from the mutual confidence which was happily established between Mr. Wheler and me. I now readily repeat that sentiment, and observe with pleasure that Mr. Wheler confirms it. Before my departure, it is probable that we shall in concert have provided at the board for almost every important circumstance that can eventually happen during my absence; but if any should occur for which no previous provision shall have been made in the resolutions of the board, Mr. Wheler may act with immediate decision and with the fullest confidence of my support, in all such emergencies, as well as in conducting the ordinary business of the presidency, and in general in all matters of this government, excepting those which may specially or generally be entrusted to me. Mr. Wheler during my absence may consider himself as possessed of the full powers of the governor-general and council of this government, as in effect he is by the constitution; and he may be assured that so far as my sanction and concurrence shall be, or be deemed, necessary to the confirmation of his measures, he shall receive them."

Now here is a compact of iniquity between these two

duumvirs. They each give to the other the full, complete, and perfect powers of the government, and in order to secure themselves against any obstacles that might arise, they mutually engage to ratify each other's acts; and they say, this is not illegal, because Lord Cornwallis has had such a deputation. I must first beg leave to observe, that no man can justify himself in doing any illegal act by its having been done by another; much less can he justify his own illegal act by pleading an act of the same kind done subsequently to his act; because the latter may have been done in consequence of his bad example. Men justify their acts in two ways, by law and by precedent; the former asserts the right, the latter presumes it from the example of others. But can any man justify an act, because ten or a dozen years after, another man has done the same thing? Good Heavens! was there ever such a doctrine before heard? Suppose Lord Cornwallis to have done wrong; suppose him to have acted illegally; does that clear the prisoner at your bar? No, on the contrary, it aggravates his offence, because he has afforded others an example of corrupt and illegal conduct. But if even Lord Cornwallis had preceded, instead of following him, the example would not have furnished a justification. There is no resemblance in the cases. Lord Cornwallis does not hold his government by the act of 1773, but by a special act made afterwards; and therefore to attempt to justify acts done under one form of appointment, by acts done under another form, is to the last degree wild and absurd.

Lord Cornwallis was going to conduct a war of great magnitude, and was consequently trusted with extraordinary powers. He went in the two characters of governor and commander-in-chief, and yet the legislature was sensible of the doubtful validity of a governor-general's carrying with him the whole powers of the council. But Mr. Hastings was not commander-in-chief, when he assumed the whole military as well as civil power. Lord Cornwallis, as I have just said, was not only commander-in-chief, but was going to a great

war, where he might have occasion to treat with the country powers in a civil capacity; and yet so doubtful was the legislature upon this point, that they passed a special act to confirm that delegation, and to give him a power of acting under it.

My lords, we do further contend, that Mr. Hastings had no right to assume the character of commander-in-chief; for he was no military man, nor was he appointed by the company to that trust. His assumption of the military authority was a gross usurpation. It was an authority to which he would have had no right, if the whole powers of government were vested in him, and he had carried his council with him on his horse. If, I say, Mr. Hastings had his council on his crupper, he could neither have given those powers to himself, nor made a partition of them with Mr. Wheler. Could Lord Cornwallis for instance, who carried with him the power of commander-in-chief, and authority to conclude treaties with all the native powers; could he, I ask, have left a council behind him in Calcutta with equal powers, who might have concluded treaties in direct contradiction to those in which he was engaged? Clearly he could not: therefore I contend that this partition of power, which supposes an integral authority in each councillor, is a monster that cannot exist. This the parties themselves felt so strongly, that they were obliged to have recourse to a stratagem scarcely less absurd than their divided assumption of power. They entered into a compact to confirm each other's acts, and to support each other in whatever they did; thus attempting to give their separate acts a legal form.

I have further to remark to your lordships, what has just been suggested to me, that it was for the express purpose of legalizing Lord Cornwallis's delegation, that he was made commander-in-chief as well as governor-general by the act.

The next plea urged by Mr. Hastings is conveniency. "It was *convenient*," he says, "for me to do this." I answer, no person acting with delegated power can delegate that

power to another. *Delegatus non potest delegare*, is a maxim of law; much less has he a right to supersede the law and the principle of his own delegation and appointment, upon any idea of convenience. But what was the conveniency? There was no one professed object connected with Mr. Hastings's going up to Benares, which might not as well have been attained in Calcutta. The only difference would have been, that, in the latter case, he must have entered some part of his proceedings upon the consultations, whether he wished it or not. If he had a mind to negotiate with the vizier, he had a resident at his court, and the vizier had a resident in Calcutta. The most solemn treaties had often been made without any governor-general carrying up a delegation of civil and military power. If it had been his object to break treaties, he might have broken them at Calcutta, as he broke the treaty of Chunar. Is there an article in that treaty, that he might not as well have made at Calcutta? Is there an article that he broke, (for he broke them all,) that he could not have broken at Calcutta? So that whether pledging or breaking the faith of the company, he might have done both or either, without ever stirring from the presidency.

I can conceive a necessity so urgent, as to supersede all laws; but I have no conception of a necessity that can require two governors-general, each forming separately a *supreme* council. Nay, to bring the point home to him,—if he had a mind to make Cheit Sing pay a fine, as he called it, he could have made him do that at Calcutta, as well as at Benares. He had before contrived to make him pay all the extra demands that were imposed upon him; and he well knew that he could send Colonel Camac, or somebody else, to Benares, with a body of troops to enforce the payment. Why then did he go to try experiments there in his own person? For this plain reason;—that he might be enabled to put such sums in his own pocket as he thought fit. It was not and could not be for any other purpose: and I defy the wit of man to find out any other.

He says, my lords, that Cheit Sing might have resisted, and that if he had not been there, the rajah might have fled with his money; or raised a rebellion for the purpose of avoiding payment. Why then, we ask, did he not send an army? We ask, whether Mr. Markham, with an army under the command of Colonel Popham, or Mr. Fowke, or any other resident, was not much more likely to exact a great sum of money than Mr. Hastings without an army? My lords, the answer must be in the affirmative; it is therefore evident, that no necessity could exist for his presence, and that his presence and conduct occasioned his being defeated in this matter.

We find this man armed with an illegal commission, undertaking an enterprise which he has since said was perilous; which proved to be perilous, and in which, as he has told us himself, the existence of the British empire in India was involved. The talisman, (your lordships will remember his use of the word,) that charm which kept all India in order; which kept mighty and warlike nations under the government of a few Englishmen, would, I verily believe have been broken for ever, if he, or any other governor-general, good or bad, had been killed. Infinite mischiefs would have followed such an event. The situation in which he placed himself, by his own misconduct, was pregnant with danger; and he put himself in the way of that danger, without having any armed force worth mentioning; although he has acknowledged that Cheit Sing had then an immense force. In fact the demand of two thousand cavalry proves that he considered the rajah's army to be formidable: yet, notwithstanding this, with four companies of sepoys, poorly armed and ill-provisioned, he went to invade that fine country, and to force from its sovereign a sum of money, the payment of which he had reason to think would be resisted. He thus rashly hazarded his own being, and the being of all his people.

But, says he, "I did not imagine the rajah intended to go into rebellion, and therefore went unarmed." Why then was his presence necessary? why did he not send an order from

Calcutta for the payment of the money? But what did he do when he got there? "I was alarmed," says he, "for the rajah surrounded my budgerow with two thousand men—that indicated a hostile disposition." Well, if he did so, what precaution did Mr. Hastings take for his own safety? Why none, my lords, none; he must therefore have been either a madman, a fool, or a determined declarer of falsehood. Either he thought there was no danger, and therefore no occasion for providing against it, or he was the worst of governors; the most culpably improvident of his personal safety, of the lives of his officers and men, and of his country's honor.

The demand of £500,000 was a thing likely to irritate the rajah and to create resistance. In fact he confesses this. Mr. Markham and he had a discourse upon that subject, and agreed to arrest the rajah, because they thought the enforcing this demand might drive him to his forts, and excite a rebellion in the country. He therefore knew there was danger to be apprehended from this act of violence; and yet knowing this, he sent one unarmed resident to give the orders, and four unarmed companies of sepoys to support him. He provokes the people; he goads them with every kind of insult, added to every kind of injury, and then rushes into the very jaws of danger, provoking a formidable foe by the display of a puny, insignificant force.

In expectation of danger, he seized the person of the rajah, and he pretends that the rajah suffered no disgrace from his arrest. But, my lords, we have proved, what was stated by the rajah, and was well known to Mr. Hastings, that to imprison a person of elevated station, in that country, is to subject him to the highest dishonor and disgrace; and would make the person so imprisoned utterly unfit to execute the functions of government ever after.

I have now to state to your lordships a transaction, which is worse than his wantonly playing with the safety of the company, worse than his exacting sums of money by fraud and violence. My lords, the history of this transaction must

be prefaced, by describing to your lordships the duty and privileges attached to the office of *naib*. A naib is an officer well known in India, as the administrator of the affairs of any government, whenever the authority of the regular holder is suspended. But although the naib acts only as a deputy, yet, when the power of the principal is totally superseded, as by imprisonment or otherwise, and that of the naib is substituted, he becomes the actual sovereign, and the principal is reduced to a mere pensioner. I am now to show your lordships whom Mr. Hastings appointed as naib to the government of the country, after he had imprisoned the rajah.

Cheit Sing had given him to understand through Mr. Markham, that he was aware of the design of suspending him, and of placing his government in the hands of a naib whom he greatly dreaded. This person was called Oossaun Sing; he was a remote relation of the family, and an object of their peculiar suspicion and terror. The moment Cheit Sing was arrested, he found that his prophetic soul spoke truly; for Mr. Hastings actually appointed this very man to be his master. And who was this man? We are told by Mr. Markham, in his evidence here, that he was a man who had dishonored his family; he was the disgrace of his house; that he was a person who could not be trusted; and Mr. Hastings, in giving Mr. Markham full power afterwards to appoint naibs, expressly excepted this Oossaun Sing from all trust whatever, as a person totally unworthy of it. Yet this Oossaun Sing, the disgrace and calamity of his family, an incestuous adulterer, and a supposed issue of a guilty connection, was declared naib. Yes, my lords, this degraded, this wicked and flagitious character, the rajah's avowed enemy, was, in order to heighten the rajah's disgrace, to embitter his ruin, to make destruction itself dishonorable as well as destructive, appointed this naib. Thus, when Mr. Hastings had imprisoned the rajah in the face of his subjects, and in the face of all India, without fixing any term for the duration of his imprisonment, he delivered up the country to a

man whom he knew to be utterly undeserving; a man whom he kept in view for the purpose of frightening the rajah, and whom he was obliged to depose on account of his misconduct, almost as soon as he had named him; and to exclude specially from all kind of trust. We have heard of much tyranny, avarice, and insult in the world, but such an instance of tyranny, avarice, and insult combined has never before been exhibited.

We are now come to the last scene of this flagitious transaction. When Mr. Hastings imprisoned the rajah, he did not renew his demand for the £500,000; but he exhibited a regular charge of various pretended delinquencies against him, digested into heads, and he called on him, in a dilatory, irregular way of proceeding, for an answer. The man, under every difficulty and every distress, gave an answer to every particular of the charge, as exact and punctilious as could have been made to articles of impeachment in this House.

I must here request your lordships to consider the order of these proceedings. Mr. Hastings, having determined upon the utter ruin and destruction of this unfortunate prince, endeavored by the arrest of his person, by a contemptuous disregard to his submissive applications, by the appointment of a deputy, who was personally odious to him, and by the terror of still greater insults, he endeavored, I say, to goad him on to the commision of some acts of resistance, sufficient to give a color of justice to that last dreadful extremity, to which he had resolved to carry his malignant rapacity. Failing in this wicked project, and studiously avoiding the declaration of any terms upon which the rajah might redeem himself from these violent proceedings, he next declared his intention of seizing his forts, the depository of his victim's honor, and of the means of his subsistence. He required him to deliver up his accounts and accountants, together with all persons who were acquainted with the particulars of his effects and treasures, for the purpose of transferring those effects to such persons as he (Mr. Hastings) chose to nominate.

It was at this crisis of aggravated insult and brutality, that the indignation, which these proceedings had occasioned in the breasts of the rajah's subjects, burst out into an open flame. The rajah had retired to the last refuge of the afflicted, to offer up prayers to his God and our God, when a vile chubdar or tipstaff came to interrupt and insult him. His alarmed and loyal subjects felt for a beloved sovereign that deep interest which we should all feel if our sovereign were so treated. What man with a spark of loyalty in his breast,—what man regardful of the honor of his country, when he saw his sovereign imprisoned, and so notorious a wretch appointed his deputy, could be a patient witness of such wrongs? The subjects of this unfortunate prince did what we should have done; what all, who love their country, who love their liberty, who love their laws, who love their property, who love their sovereign, would have done on such an occasion. They looked upon him as their sovereign, although degraded. They were unacquainted with any authority superior to his, and the phantom of tyranny, which performed these oppressive acts, was unaccompanied by that force, which justifies submission, by affording the plea of necessity. An unseen tyrant, and four miserable companies of sepoys, executed all the horrible things that we have mentioned. The spirit of the rajah's subjects was roused by their wrongs, and encouraged by the contemptible weakness of their oppressors. The whole country rose up in rebellion, and surely in justifiable rebellion. Every writer on the law of nations;—every man that has written, thought, or felt upon the affairs of government, must write, know, think, and feel, that a people so cruelly scourged and oppressed, both in the person of their chief and in their own persons, were justified in their resistance. They were roused to vengeance, and a short but most bloody war followed.

We charge the prisoner at your bar with all the consequences of this war. We charge him with the murder of our sepoys, whom he sent unarmed to such a dangerous enter-

prise. We charge him with the blood of every man, that was shed in that place; and we call him, as we have called him, a tyrant, an oppressor, and a murderer. We call him murderer in the largest and fullest sense of the word; because he was the cause of the murder of our English officers and sepoys, whom he kept unarmed, and unacquainted with the danger to which they would be exposed by the violence of his transactions. He sacrificed to his own nefarious views every one of those lives, as well as the lives of the innocent natives of Benares, whom he designedly drove to resistance by the weakness of the force opposed to them, after inciting them, by tyranny and insult, to that display of affection towards their sovereign, which is the duty of all good subjects.

My lords, these are the iniquities which we have charged upon the prisoner at your bar; and I will next call your lordships' attention to the manner in which these iniquities have been pretended to be justified. You will perceive a great difference in the manner in which this prisoner is tried, and of which he so much complains, and the manner in which he dealt with the unfortunate object of his oppression. The latter thus openly appeals to his accuser, "You are," says he, "upon the spot. It is happy for me that you are so. You can now inquire into my conduct." Did Mr. Hastings so inquire? No, my lords, we have not a word of any inquiry; he even found fresh matter of charge in the answer of the rajah; although if there is any fault in this answer, it is its extremely humble and submissive tone. If there was any thing faulty in his manner, it was his extreme humility and submission. It is plain he would have almost submitted to any thing. He offered, in fact, £220,000 to redeem himself from greater suffering. Surely no man going into rebellion would offer £220,000 of the treasure, which would be so essential to his success; nor would any government, that was really apprehensive of rebellion, call upon the suspected person to arm and discipline two thousand horse.

My lords, it is evident no such apprehensions were entertained; nor was any such charge made until punishment had commenced. A vague accusation was then brought forward, which was answered by a clear and a natural defence, denying some parts of the charge, evading and apologizing for others, and desiring the whole to be inquired into. To this request the answer of the governor-general was, That won't do, you shall have no inquiries. And why? Because I have arbitrary power, you have no rights, and I can and will punish you without inquiry. I admit, that if his will is the law, he may take the charge before punishment, or the punishment before the charge, or he may punish without making any charge. If his will is the law, all I have been saying amounts to nothing. But I have endeavored to let your lordships see, that in no country upon the earth is the will of a despot, law. It may produce wicked, flagitious, tyrannical acts, but in no country is it law.

The duty of a sovereign in cases of rebellion, as laid down in the Hedaia, agrees with the general practice in India. It was usual, except in cases of notorious injustice and oppression, whenever a rebellion or a suspicion of a rebellion existed, to admonish the rebellious party and persuade him to return to his duty. Causes of complaint were removed and misunderstandings explained, and, to save the effusion of blood, severe measures were not adopted until they were rendered indispensable. This wise and provident law is or ought to be the law in all countries; it was in fact, the law in that country, but Mr. Hastings did not attend to it. His unfortunate victim was goaded to revolt and driven from his subjects, although he endeavored by message after message to reconcile this cruel tyrant to him. He is told in reply, You have shed the blood of Englishmen, and I will never be reconciled to you. Your lordships will observe, that the reason he gives for such an infernal determination (for it cannot be justly qualified by any other word) is of a nature to make tyranny the very foundation of our government. I do

not say here upon what occasion people may or may not resist: but surely, if ever there was an occasion on which people, from love to their sovereign and regard to their country, might take up arms, it was this. They saw a tyrant violent in his demands, and weak in his power. They saw their prince imprisoned and insulted, after he had made every offer of submission, and had laid his turban three times in the lap of his oppressor. They saw him, instead of availing himself of the means he possessed of cutting off his adversary, (for the life of Mr. Hastings was entirely in his power,) betaking himself to flight. They then thronged round him, took up arms in his defence, and shed the blood of some of his insulters. Is this resistance so excited, so provoked, a plea for irreconcilable vengeance?

I must beg pardon for having omitted to lay before your lordships, in its proper place, a most extraordinary paper, which will show you in what manner judicial inquiries are conducted, upon what grounds charges are made, by what sort of evidence they are supported, and, in short, to what perils the lives and fortunes of men are subjected in that country. This paper is in the printed minutes, page 1608. It was given in agreeably to the retrograde order which they have established in their judicial proceedings. It was produced to prove the truth of a charge of rebellion, which was made some months before the paper in evidence was known to the accuser.

"To the Honorable Warren Hastings. Sir,—About the month of November last, I communicated to Mr. Markham, the substance of a conversation said to have passed between rajah Cheit Sing and Saadut Ally, and which was reported to me by a person in whom I had some confidence. The mode of communicating this intelligence to you, I left entirely to Mr. Markham. In this conversation, which was private, the rajah and Saadut Ally were said to have talked of Hyder Ally's victory over Colonel Baillie's detachment; to have agreed that they ought to seize this opportunity of

consulting their own interest, and to have determined to watch the success of Hyder's arms. Some days after this conversation was said to have happened, I was informed by the same person, that the rajah had received a message from one of the begums at Fyzabad, (I think it was from Sujah ul Dowlah's widow,) advising him not to comply with the demands of government, and encouraging him to expect support in case of his resisting. This also, I believe, I communicated to Mr. Markham, but not being perfectly certain, I now think it my duty to remove the possibility of your remaining unacquainted with a circumstance, which may not be unconnected with the present conduct of the rajah."

Here then is evidence of evidence given to Mr. Markham by Mr. Balfour, from Lucknow, in the month of November, 1781, long after the transaction at Benares. But what was this evidence? I communicate, he says, the subject of "a conversation said to have passed." Observe, *said*, not a conversation that had passed to his knowledge or recollection; but what his informant said had passed. He adds, this conversation was reported to him by a person whom he won't name, but in whom, he says, he had some confidence. This anonymous person, in whom he had put some confidence, was not himself present at the conversation. He only reports to him, that it was *said* by somebody else, that such a conversation had taken place. This conversation, which somebody told Colonel Balfour he had heard, was said by somebody to have taken place, if true, related to matters of great importance; still the mode of its communication was left to Mr. Markham, and that gentleman did not bring it forward till some months after. Colonel Balfour proceeds to say; "Some days after this conversation was said to have happened," (your lordships will observe, it is always, 'was said to have happened,') "I was informed by the same person that the rajah had received a message from one of the begums at Fyzabad, (I think it was from Sujah ul Dowlah's widow,) advising him not to comply with the demands of

government, and encouraging him to expect support in case of his resisting." He next adds, "this also I believe," (observe, he says he is not quite sure of it,) "I communicated to Mr. Markham, but not being perfectly certain," (of a matter the immediate knowledge of which, if true, was of the highest importance to his country,) "I now think it my duty to remove the possibility of your remaining unacquainted with a circumstance, which may not be unconnected with the present conduct of the rajah."

Here is a man that comes with information long after the fact deposed to, and after having left to another the communication of his intelligence to the proper authority, that other neglects the matter. No letter of Mr. Markham's appears, communicating any such conversation to Mr. Hastings; and indeed why he did not do so, must appear very obvious to your lordships, for a more contemptible, ridiculous, and absurd story never was invented. Does Mr. Balfour come forward, and tell him who his informant was? No. Does he say, he was an informant whom I dare not name, upon account of his great consequence, and the great confidence I had in him? No. He only says, slightly, "I have some confidence in him." It is upon this evidence of a reporter of what another is *said* to have *said*, that Mr. Hastings and his council rely for proof, and have thought proper to charge the rajah with having conceived rebellious designs, soon after the time when Mr. Hastings had declared his belief that no such designs had been formed.

Mr. Hastings has done with his charge of rebellion what he did with his declaration of arbitrary power; after he had vomited it up in one place, he returns to it in another. He here declares, (after he had recorded his belief that no rebellion was ever intended,) that Mr. Markham was in possession of information which he might have believed, if it had been communicated to him. Good Heavens! When you review all these circumstances, and consider the principles upon which this man was tried and punished, what must you

think of the miserable situation of persons of the highest rank in that country, under the government of men who are disposed to disgrace and ruin them in this iniquitous manner!

Mr. Balfour is in Europe, I believe. How comes it that he is not produced here to tell your lordships who was his informer, and what he knows of the transaction? They have not produced him, but have thought fit to rely upon this miserable, beggarly semblance of evidence, the very production of which was a crime, when brought forward for the purpose of giving color to acts of injustice and oppression. If you ask, who is this Mr. Balfour? He is a person who was a military collector of revenue in the province of Rohil Cund; a country now ruined and desolated, but once the garden of the world. It was from the depth of that horrible devastating system that he gave this ridiculous, contemptible evidence, which if it can be equalled, I shall admit that there is not one word we have said, that you ought to attend to.

Your lordships are now enabled to sum up the amount, and estimate the result of all this iniquity. The rajah himself is punished, he is ruined and undone, but the £500,000 is not gained. He has fled his country, but he carried his treasures with him. His forts are taken possession of, but there was nothing found in them. It is the report of the country, and is so stated by Mr. Hastings, that he carried away with him, in gold and silver, to the value of about £400,000: and thus that sum was totally lost, even as an object of plunder, to the company. The author of the mischief lost his favorite object by his cruelty and violence. If Mr. Hastings had listened to Cheit Sing at first; if he had answered his letters, and dealt civilly with him; if he had endeavored afterwards to compromise matters; if he had *told* him what his demands were; if, even after the rebellion had broken out, he had demanded and exacted a fine; the company would have gained £220,000 at least, and per-

haps a much larger sum, without difficulty. They would not then have had £400,000 carried out of the country by a tributary chief, to become, as we know that sum has become, the plunder of the Mahrattas and our other enemies. I state to you the account of the profit and loss of tyranny; take it as an account of profit and loss: forget the morality, forget the law, forget the policy; take it, I say, as a matter of profit and loss. Mr. Hastings lost the subsidy; Mr. Hastings lost the £220,000 which was offered him, and more that he might have got. Mr. Hastings lost it all, and the company lost the £400,000 which he meant to exact. It was carried from the British dominions, to enrich its enemies for ever.

This man, my lords, has not only acted thus vindictively himself, but he has avowed the principle of revenge as a general rule of policy, connected with the security of the British government in India. He has dared to declare, that if a native once draws his sword, he is not to be pardoned; that you never are to forgive any man who has killed an English soldier. You are to be implacable and resentful; and there is no maxim of tyrants, which, upon account of the supposed weakness of your government, you are not to pursue. Was this the conduct of the Mogul conquerors of India? and must this *necessarily* be the policy of their Christian successors? I pledge myself, if called upon, to prove the contrary. I pledge myself to produce, in the history of the Mogul empire, a series of pardons and amnesties for rebellions, from its earliest establishments, and in its most distant provinces.

I need not state to your lordships, what you know to be the true principles of British policy in matters of this nature. When there has been provocation, you ought to be ready to listen to terms of reconciliation, even after war has been made. This you ought to do, to show that you are placable; such policy as this would doubtless be of the greatest benefit and advantage to you. Look to the case of Sujah Dowlah;

you had, in the course of a war with him, driven him from his country; you had not left him in possession of a foot of earth in the world. The mogul was his sovereign, and, by his authority, it was in your power to dispose of the vizierate, and of every office of state which Sujah Dowlah held under the emperor; for he hated him mortally, and was desirous of dispossessing him of every thing. What did you do? Though he had shed much English blood, you re-established him in all his power; you gave him more than he before possessed, and you had no reason to repent your generosity. Your magnanimity and justice proved to be the best policy, and was the subject of admiration from one end of India to the other. But Mr. Hastings had other maxims and other principles. You are weak, he says, and therefore you ought never to forgive. Indeed, Mr. Hastings never does forgive. The rajah was weak, and he persecuted him; Mr. Hastings was weak, and he lost his prey. He went up the country with the rapacity, but not with the talons and beak, of a vulture. He went to look for plunder, but he was himself plundered, the country was ravaged, and the prey escaped.

After the escape of Cheit Sing, there still existed in one corner of the country some further food for Mr. Hastings's rapacity. There was a place called Bidjigur, one of those forts which Mr. Hastings declared could not be safely left in the possession of the rajah; measures were therefore taken to obtain possession of this place, soon after the flight of its unfortunate proprietor. And what did he find in it? A great and powerful garrison? No, my lords; he found in it the wives and family of the rajah; he found it inhabited by two hundred women, and defended by a garrison of eunuchs and a few feeble militia men. This fortress was supposed by him to contain some money, which he hoped to lay hold of, when all other means of rapacity had escaped him. He first sends (and you have it on your minutes) a most cruel, most atrocious, and most insulting message to these unfor-

tunate women; one of whom, a principal personage of the family, we find him in the subsequent negotiation scandalizing in one minute, and declaring to be a woman of respectable character in the next; treating her by turns as a prostitute and as an amiable woman, as best suited the purposes of the hour. This woman, with two hundred of her sex, he found in Bidjigur. Whatever money they had, was their own property, and as such Cheit Sing, who had visited the place before his flight, had left it for their support, thinking that it would be secure to them as their property, because they were persons wholly void of guilt as they must needs have been. This money the rajah might have carried off with him; but he left it them, and we must presume that it was their property; and no attempt was ever made by Mr. Hastings to prove otherwise. They had no other property that could be found. It was the only means of subsistence for themselves, their children, their domestics, and dependants, and for the whole female part of that once illustrious and next to royal family.

But to proceed. A detachment of soldiers was sent to seize the forts; soldiers are habitually men of some generosity; even when they are acting in a bad cause they do not wholly lose the military spirit. But Mr. Hastings, fearing that they might not be animated with the same lust of plunder as himself, stimulated them to demand the plunder of the place; and expresses his hopes, that no composition would be made with these women, and that not one shilling of the booty would be allowed them. He does not trust to their acting as soldiers who have their fortunes to make; but he stimulates and urges them not to give way to the generous passions and feelings of men.

He thus writes from Benares, the 22d of October, 1781, ten o'clock in the morning,—"I am this instant favored with yours of yesterday; mine to you of the same date has before this time acquainted you with my resolutions and sentiments respecting the raunee. I think every demand she has made

to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or any negotiation with her, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to retire without examination; but this is your consideration, and not mine. I should be sorry that your officers and soldiers lost any part of the reward to which they are so well entitled, but I cannot make any objection; as you must be the best judge of the expediency of the promised indulgence to the raunee. What you have engaged for I will certainly ratify; but as to permitting the raunee to hold the pergunnah of Kurteck, or any other in the zemindary, without being subject to the authority of the zemindar; or any lands whatever; or indeed making any conditions with her for a provision; I will never consent to it."

My lords, you have seen the principles upon which this man justifies his conduct. Here his real nature, character, and disposition break out. These women had been guilty of no rebellion. He never charged them with any crime but that of having wealth: and yet you see with what ferocity he pursues every thing that belonged to the destined object of his cruel, inhuman, and more than tragic revenge. If, says he, you have made an agreement with them, and will insist upon it, I will keep it; but if you have not, I beseech you not to make any. Don't give them any thing; suffer no stipulations whatever of a provision for them. The capitulation I will ratify, provided it contains no article of future provision for them: this he positively forbad; so that his blood-thirsty vengeance would have sent out these two hundred innocent women to starve naked in the world.

But he not only declares, that the money found in the fort is the soldiers'; he adds, that he should be sorry if they lost a shilling of it. So that you have here a man not only declaring that the money was theirs, directly contrary to the

company's positive orders upon other similar occasions, and after he had himself declared that prize money was poison to soldiers; but directly inciting them to insist upon their right to it.

A month had been allowed by proclamation, for the submission of all persons who had been in rebellion, which submission was to entitle them to indemnity. But, my lords, he endeavored to break the public faith with these women, by inciting the soldiers to make no capitulation with them, and thus depriving them of the benefit of the proclamation, by preventing their voluntary surrender.

[Mr. Burke here read the proclamation.]

From the date of this proclamation, it appears that the surrender of the fort was clearly within the time given to those who had been guilty of the most atrocious acts of rebellion, to repair to their homes and enjoy an indemnity. These women had never quitted their homes, nor had they been charged with rebellion, and yet they were cruelly excluded from the general indemnity; and after the army had taken unconditional possession of the fort, they were turned out of it, and ordered to the quarters of the commanding officer, Major Popham. This officer had received from Mr. Hastings a power to rob them, a power to plunder them, a power to distribute the plunder, but no power to give them any allowance, nor any authority even to receive them.

In this disgraceful affair the soldiers showed a generosity, which Mr. Hastings neither showed nor would have suffered, if he could have prevented it. They agreed amongst themselves to give to these women three lacks of rupees, and some trifle more; and the rest was divided as a prey among the army. The sum found in the fort was about £238,000, not the smallest part of which was in any way proved to be Cheit Sing's property, or the property of any person but the unfortunate women who were found in the possession of it.

The plunder of the fort being thus given to the soldiers, what does Mr. Hastings next do? He is astonished and stu-

pefied to find so much unprofitable violence; so much tyranny, and so little pecuniary advantage; so much bloodshed, without any profit to the company. He therefore breaks his faith with the soldiers; declares that, having no right to the money, they must refund it to the company; and, on their refusal, he instituted a suit against them. With respect to the three lacks of rupees, or £30,000, which was to be given to these women, have we a scrap of paper to prove its payment? Is there a single receipt or voucher to verify their having received one sixpence of it? I am rather inclined to think that they did receive it, or some part of it, but I don't know a greater crime in public officers than to have no kind of vouchers for the disposal of any large sums of money which pass through their hands; but this, my lords, is the great vice of Mr. Hastings's government.

I have briefly taken notice of the claim which Mr. Hastings thought proper to make, on the part of the company, to the treasure found in the fort of Bidjigur, after he had instigated the army to claim it as the right of the captors. Your lordships will not be at a loss to account for this strange and barefaced inconsistency. This excellent governor foresaw that he would have a bad account of this business to give to the contractors in Leadenhall street; who consider laws, religion, morality, and the principles of state policy of empires, as mere questions of profit and loss. Finding that he had dismal accounts to give of great sums expended without any returns, he had recourse to the only expedient that was left him. He had broken his faith with the ladies in the fort, by not suffering his officers to grant them that indemnity which his proclamation offered. Then, finding that the soldiers had taken him at his word, and appropriated the treasure to their own use, he next broke his faith with them. A constant breach of faith is a maxim with him. He claims the treasure for the company; and institutes a suit before Sir Elijah Impey, who gives the money to the company, and not to the soldiers. The soldiers appeal; and since the begin-

ning of this trial, I believe even very lately, it has been decided by the council, that the letter of Mr. Hastings was not, as Sir Elijah Impey pretended, a mere private letter, because it had "Dear Sir," in it; but a public order, authorizing the soldiers to divide the money among themselves.

Thus £200,000 was distributed among the soldiers; £400,000 was taken away by Cheit Sing, to be pillaged by all the company's enemies, through whose countries he passed; and so ended one of the great sources from which this great financier intended to supply the exigencies of the company, and recruit their exhausted finances.

By this proceeding, my lords, the national honor is disgraced; all the rules of justice are violated, and every sanction, human and divine, trampled upon. We have, on one side, a country ruined, a noble family destroyed, a rebellion raised by outrage and quelled by bloodshed, the national faith pledged to indemnity, and that indemnity faithlessly withheld from helpless, defenceless women; while the other side of the picture is equally unfavorable. The East India Company have had their treasure wasted, their credit weakened, their honor polluted, and their troops employed against their own subjects, when their services were required against foreign enemies.

My lords, it only remains for me, at this time, to make a few observations upon some proceedings of the prisoner, respecting the revenue of Benares. I must first state to your lordships, that, in the year 1780, he made a demand upon that country, which, by his own account, if it had been complied with, would only have left £23,000 a year, for the maintenance of the rajah and his family. I wish to have this account read, for the purpose of verifying the observations which I shall have to make to your lordships.

[Here the account was read.]

I must now observe to your lordships, that Mr. Markham and Mr. Hastings have stated the rajah's net revenue at forty-six lacks: but the accounts before you state it at forty

lacks only. Mr. Hastings had himself declared, that he did not think the country could safely yield more ; and that any attempt to extract more would be ruinous.

Your lordships will observe, that the first of these estimates is unaccompanied with any document whatever, and that it is contradicted by the papers of receipt and the articles of account, from all of which it appears, that the country never yielded more than forty lacks, during the time that Mr. Hastings had it in his possession ; and you may be sure he squeezed as much out of it as he could. He had his own residents ; first Mr. Markham, then Mr. Fowke, then Mr. Grant ; they all went up with a design to make the most of it. They endeavored to do so ; but they never could screw it up to more than forty lacks, by all the violent means which they employed. The ordinary subsidy, as paid at Calcutta by the rajah, amounted to twenty-two lacks ; and it is therefore clearly proved by this paper, that Mr. Hastings's demand of fifty lacks (£500,000) joined to the subsidies, was more than the whole revenue which the country could yield. What hoarded treasures the rajah possessed, and which Mr. Hastings says he carried off with him, does not appear. That it was any considerable sum, is more than Mr. Hastings knows ; more than can be proved ; more than is probable. He had not, in his precipitate flight, any means, I think, of carrying away a great sum. It further appears from these accounts, that after the payment of the subsidy, there would only have been left £18,000 a year for the support of the rajah's family and establishments.

Your lordships have now a standard, not a visionary one, but a standard verified by accurate calculation, and authentic accounts. You may now fairly estimate the avarice and rapacity of this man, who describes countries to be enormously rich, in order that he may be justified in pillaging them. But however insatiable the prisoner's avarice may be, he has other objects in view, other passions rankling in his heart, besides the lust of money. He was not ignorant, and

we have proved it by his own confession, that his pretended expectation of benefit to the company could not be realized; but he well knew, that by enforcing his demands he should utterly and effectually ruin a man, whom he mortally hated and abhorred; a man, who could not, by any sacrifices offered to the avarice, avert the cruelty, of his implacable enemy.

As long as truth remains, as long as figures stand, as long as two and two are four, as long as there is mathematical and arithmetical demonstration, so long shall his cruelty, rage, ravage, and oppression remain evident to an astonished posterity. I shall undertake, my lords, when this court meets again, to develop the consequences of this wicked proceeding. I shall then show you, that that part of the rajah's family which he left behind him, and which Mr. Hastings pretended to take under his protection, was also ruined, undone, and destroyed; and that the once beautiful country of Benares, which he has had the impudence to represent as being still in a prosperous condition, was left by him in such a state, as would move pity in any tyrant in the world, except the one who now stands before you.

TRIAL.

TUESDAY, 3D JUNE, 1794.

THIRD DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—We are called, with an awful voice, to come forth, and make good our charge against the prisoner at your bar; but as a long time has elapsed since your lordships heard that charge, I shall take the liberty of requesting my worthy fellow manager near me, to read that part to your lordships, which I am just now going to observe upon, that you may be the better able to apply my observations to the letter of the charge.

[Mr. Wyndham reads.]

"That the said Warren Hastings, having as aforesaid expelled the said Cheit Sing from his dominions, did, of his own usurped authority, and without any communication with, or any approbation given by, the other members of the council, nominate and appoint rajah Mehipnerain to the government of the provinces of Benares, and did appoint his father Durbedgy Sing as administrator of his authority, and did give to the British resident, Mr. Markham, a controlling authority over both; and did further abrogate and set aside all treaties and agreements which subsisted between the states of Benares and the British nation; and did arbitrarily and tyrannically, of his mere authority raise the tribute to the sum of £400,000 sterling, or thereabouts; did further

wantonly and illegally impose certain oppressive duties upon goods and merchandise, to the great injury of trade and ruin of the province; and did farther dispose of, as his own, the property within the said provinces, by granting the same, or parts thereof, in pensions to such persons as he thought fit.

"That the said Warren Hastings did, sometime in the year 1782, enter into a clandestine correspondence with William Markham, Esq., the then resident at Benares, which said Markham had been by him the said Warren Hastings, obtruded into the said office, contrary to the positive orders of the court of directors; and in consequence of the representation of the said Markham, did, under pretence that the new excessive rent or tribute was in arrear, and that the affairs of the province were likely to fall into confusion, authorize and empower him, by his own private authority, to remove the said Durbedgy Sing from his office, and deprive him of his estate.

"That the said Durbedgy Sing was, by the private orders and authorities given by the said Warren Hastings, and in consequence of the representations aforesaid, violently thrown into prison, and cruelly confined therein, under the pretence of the non-payment of the arrears of the tribute aforesaid.

"That the widow of Bulwant Sing, and the rajah Mehipnerain, did pointedly accuse the said Markham of being the sole cause of any delay in the payment of the tribute aforesaid, and did offer to prove the innocence of the said Durbedgy Sing, and also to prove that the faults ascribed to him were solely the faults of the said Markham; yet the said Warren Hastings did pay no regard whatever to the said representations, nor make any inquiry into the truth of the same, but did accuse the said widow of Bulwant Sing and rajah aforesaid, of gross presumption for the same; and listening to the representation of the person accused (namely, the resident Markham), did continue to confine the said Durbedgy Sing in prison, and did invest the resident Markham

with authority to bestow his office upon whomsoever he pleased.

"That the said Markham did bestow the said office of administrator of the province of Benarés upon a person, named Jagger Deo Sing, who, in order to gratify the arbitrary demands of the said Warren Hastings, was obliged greatly to distress and harass the unfortunate inhabitants of the said province.

"That the said Warren Hastings did, some time in the year 1784, remove the said Jagger Deo Sing from the said office, under pretence of certain irregularities and oppressions, which irregularities and oppressions are solely imputable to him, the said Warren Hastings.

"That the consequence of all these violent changes and arbitrary acts was the total ruin and desolation of the country, and the flight of the inhabitants; the said Warren Hastings having found every place abandoned at his approach, even by the officers of the very government which he established; and seeing nothing but traces of devastation in every village, the province in effect without a government, the administration misconducted, the people oppressed, the trade discouraged, and the revenue in danger of a rapid decline.

"All which destruction, devastation, oppression, and ruin are solely imputable to the above-mentioned, and other arbitrary, illegal, unjust, and tyrannical acts of him, the said Warren Hastings, who, by all and every one of the same, was and is guilty of high crimes and misdemeanors."

[Mr. Burke proceeded.]

My lords, you have heard the charge; and you are now going to see the prisoner at your bar, in a new point of view. I will now endeavor to display him in his character of a legislator in a foreign land, not augmenting the territory, honor, and power of Great Britain, and bringing the acquisition under the dominion of law and liberty, but desolating a flourishing country, that to all intents and purposes was our own; a

country which we had conquered from freedom, from tranquillity, order, and prosperity, and submitted, through him, to arbitrary power, misrule, anarchy, and ruin. We now see the object of his corrupt vengeance utterly destroyed, his family driven from their home, his people butchered, his wife and all the females of his family robbed and dishonored in their persons, and the effects which husband and parents had laid up in store for the subsistence of their families, all the savings of provident economy, distributed amongst a rapacious soldiery. His malice is victorious. He has well avenged, in the destruction of this unfortunate family, the rajah's intended visit to General Clavering; he has well avenged the suspected discovery of his bribe to Mr. Francis. "Thou hast it now, King, Cawdor, Glamis, all."

Let us see, my lords, what use he makes of this power; how he justifies the bounty of fortune bestowing on him this strange and anomalous conquest. Anomalous I call it, my lords, because it was the result of no plan in the cabinet, no operation in the field. No act or direction proceeded from him the responsible chief, except the merciless orders, and the grant to the soldiery. He lay skulking and trembling in the fort of Chunar, while the British soldiery entitled themselves to the plunder which he held out to them. Nevertheless, my lords, he conquers; the country is his own; he treats it as his own. Let us therefore see how this successor of Tamerlane, this emulator of Ghinges Khân, governs a country conquered by the talents and courage of others, without assistance, guide, direction, or counsel, given by himself.

My lords, I will introduce his first act to your lordships' notice, in the words of the charge. "The said Warren Hastings did, some time in the year 1782, enter into a clandestine correspondence with William Markham, Esq., the then resident at Benares, which said Markham had been, by him, the said Warren Hastings, obtruded into the said office, contrary to the positive orders of the court of directors." This unjustifiable obtrusion, this illegal appointment, shows you, at the

very outset, that he defies the laws of his country; most positively and pointedly defies them. In attempting to give a reason for this defiance, he has chosen to tell a branch of the legislature, from which originated the act, which wisely and prudently ordered him to pay implicit obedience to the court of directors, that he removed Mr. Fowke from Benares, contrary to the orders of the court, on political grounds; "because," says he, "I thought it necessary the resident there should be a man of my own nomination and confidence. I avow the principle, and think no government can subsist without it. The punishment of the rajah made no part of my design in Mr. Fowke's removal, or Mr. Markham's appointment, nor was his punishment an object of my contemplation at the time I removed Mr. Fowke to appoint Mr. Markham; an appointment of my own choice, and a signal to notify the restoration of my own authority, as I had before removed Mr. Fowke and appointed Mr. Graham for the same purpose."

Here, my lords, he does not even pretend that he had any view whatever in this appointment of Mr. Markham, but to defy the laws of his country. "I must," says he, "have a man of my own nomination, because it is a signal to notify the restoration of my own authority, as I had before removed Mr. Fowke for the same purpose."

I must beg your lordships to keep in mind, that the greater part of the observations with which I shall trouble you, have a reference to the *principles* upon which this man acts; and I beseech you to remember always, that you have before you a question and an issue of law. I beseech you to consider what it is that you are disposing of; that you are not merely disposing of this man and his cause; but that you are disposing of the laws of your country.

You, my lords, have made, and we have made, an act of parliament, in which the council at Calcutta is vested with a special power, distinctly limited and defined. He says, my authority is absolute. I defy the orders of the court of directors, because it is necessary for me to show that I can disre-

gard them, as a signal of my own authority. He supposes his authority gone, while he obeys the laws; but, says he, the moment I got rid of the bonds and barriers of the laws, (as if there had been some act of violence and usurpation that had deprived him of his rightful powers,) I was restored to my own authority. What is this authority to which he is restored? Not an authority vested in him by the East India Company; not an authority sanctioned by the laws of this kingdom. It is neither of these, but the authority of Warren Hastings; an inherent divine right, I suppose, which he has thought proper to claim as belonging to himself; something independent of the laws; something independent of the court of directors; something independent of his brethren of the council. It is "my own authority."

And what is the signal by which you are to know when this authority is restored? By his obedience to the court of directors; by his attention to the laws of his country; by his regard to the rights of the people? No, my lords, no; the notification of the restoration of this authority is a formal disobedience of the orders of the court of directors. When you find the laws of the land trampled upon, and their appointed authority despised, then you may be sure that the authority of the prisoner is reëstablished.

There is, my lords, always a close connection between vices of every description. The man who is a tyrant, would, under some other circumstances, be a rebel; and he that is a rebel, would become a tyrant. They are things which originally proceed from the same source. They owe their birth to the wild unbridled lewdness of arbitrary power. They arise from a contempt of public order, and of the laws and institutions which curb mankind. They arise from a harsh, cruel, and ferocious disposition, impatient of the rules of law, order, and morality: and accordingly, as their relation varies, the man is a tyrant if a superior, a rebel if an inferior. But this man, standing in a middle point, between the two relations, the superior and inferior, declares himself at once both

rebel and a tyrant. We therefore naturally expect, that, hen he has thrown off the laws of his country, he will ırow off all other authority. Accordingly, in defiance of ıat authority to which he owes his situation, he nominates Ir. Markham to the residency at Benares, and therefore every ɔt of Mr. Markham is his. He is responsible;—doubly ɔsponsible to what he would have been, if in the ordinary ɔurse of office he had named this agent.

Every governor is responsible for the misdemeanors comıitted under his legal authority, for which he does not punish ıe delinquent; but the prisoner is doubly responsible in this ase, because he assumed an illegal authority, which can be ıstified only, if at all, by the good resulting from the asumption.

Having now chosen his principal instrument, and his condential and sole counsellor, having the country entirely in his and, and every obstacle that could impede his course swept ut of the arena, what does he do under these auspicious ircumstances? You would imagine, that, in the first place, e would have sent down to the council at Calcutta a general iew of his proceedings, and of their consequences, together rith a complete statement of the revenue; that he would ave recommended the fittest persons for public trusts, with ıch other measures as he might judge to be most essential ɔ the interest and honor of his employers. One would have magined he would have done this, in order that the council nd the court of directors might have a clear view of the vhole existing system, before he attempted to make a permaıent arrangement for the administration of the country. But, ın the contrary, the whole of his proceedings is clandestinely ɔnducted; there is not the slightest communication with the ɔuncil upon the business, till he had determined and settled he whole. Thus the council was placed in a complete lilemma, either to confirm all his wicked and arbitrary acts, ɔr such we have proved them to be, or to derange the whole dministration of the country again, and to make another

revolution, as complete and dreadful as that which he had made.

The task, which the governor-general had imposed upon himself, was, I admit, a difficult one; but those who pull down important ancient establishments, who wantonly destroy modes of administration, and public institutions, under which a country has prospered, are the most mischievous, and therefore the wickedest of men. It is not a reverse of fortune, it is not the fall of an individual, that we are here talking of. We are indeed sorry for Cheit Sing and Durbedgy Sing, as we should be sorry for any individual under similar circumstances.

It is wisely provided in the constitution of our heart, that we should interest ourselves in the fate of great personages. They are, therefore, made every where the objects of tragedy, which addresses itself directly to our passions and our feelings. And why? Because men of great place, men of great rank, men of great hereditary authority, cannot fall without a horrible crash upon all about them. Such towers cannot tumble without ruining their dependent cottages.

The prosperity of a country, that has been distressed by a revolution which has swept off its principal men, cannot be reëstablished without extreme difficulty. This man, therefore, who wantonly and wickedly destroyed the existing government of Benares, was doubly bound to use all possible care and caution in supplying the loss of those institutions which he had destroyed, and of the men whom he had driven into exile. This, I say, he ought to have done. Let us now see what he really did do.

He set out by disposing of all the property of the country as if it was his own. He first confiscated the whole estates of the Baboos, the great nobility of the country, to the amount of six lacks of rupees. He then distributed the lands and revenue of the country, according to his own pleasure; and as he had seized the lands without our knowing why or wherefore, so the portion which he took away from some

persons he gave to others, in the same arbitrary manner, and without any assignable reason.

When we were inquiring what jaghires Mr. Hastings had thought proper to grant, we found, to our astonishment, (though it is natural that his mind should take this turn,) that he endowed several charities with jaghires. He gave a jaghire to some Brahmins, to pray for the perpetual prosperity of the company, and others to procure the prayers of the same class of men for himself. I do not blame his Gentoo piety, when I find no Christian piety in the man; let him take refuge in any superstition he pleases. The crime we charge is, his having distributed the lands of others at his own pleasure. Whether this proceeded from piety, from ostentation, or from any other motive, it matters not. We contend, that he ought not to have distributed such land at all; that he had no right to do so;—and consequently, the gift of a single acre of land, by his own private will, was an act of robbery, either from the public or some individual.

When he had thus disturbed the landed property of Benares, and distributed it according to his own will, he thought it would be proper to fix upon a person to govern the country; and of this person he himself made the choice. It does not appear, that the people could have lost, even by the revolt of Cheit Sing, the right which was inherent in them, to be governed by the lawful successor of his family. We find, however, that this man, by his own authority, by the arbitrary exercise of his own will and fancy, did think proper to nominate a person to succeed the rajah, who had no legal claims to the succession. He made choice of a boy about nineteen years old; and he says he made that choice upon the principle of this boy's being descended from Bulwant Sing, by the female line. But he does not pretend to say, that he was the proper and natural heir to Cheit Sing; and we will show you the direct contrary. Indeed, he confesses the contrary himself; for he argues, in his defence, that when a new system was to be formed with the successor of Cheit

Sing, who was not his heir, each successor had no claim of right.

But perhaps the want of right was supplied by the capacity and fitness of the person who was chosen. I do not say, that this does or can for one moment supersede the positive right of another person; but it would palliate the injustice in some degree. Was there in this case any palliative matter? Who was the person chosen by Mr. Hastings to succeed Cheit Sing? My lords, the person chosen was a minor; for we find, the prisoner at your bar immediately proceeded to appoint him a guardian. This guardian he also chose by his own will and pleasure, as he himself declares, without referring to any particular claim or usage; without calling the Pundits to instruct him, upon whom, by the Gentoo laws, the guardianship devolved.

I admit, that in selecting a guardian he did not in one respect act improperly, for he chose the boy's father, and he could not have chosen a better guardian for his person. But for the administration of his government, qualities were required which this man did not possess. He should have chosen a man of vigor, capacity, and diligence; a man fit to meet the great difficulties of the situation in which he was to be placed.

Mr. Hastings, my lords, plainly tells you, that he did not think the man's talents to be extraordinary; and he soon afterwards says, that he had a great many incapacities. He tells you, that he has a doubt whether he was capable of realizing those hopes of revenue which he (Mr. Hastings) had formed. Nor can this be matter of wonder, when we consider that he had ruined and destroyed the ancient system, the whole scheme and tenor of public offices; and had substituted nothing for them but his own arbitrary will. He had formed a plan of an entire new system, in which the practical details had no reference to the experience and wisdom of past ages. He did not take the government as he found it; he did not take the system of offices as it was

ranged to his hand; but he dared to make the wicked and agitious experiment, which I have stated; an experiment pon the happiness of a numerous people, whose property he ad usurped and distributed in the manner which has been id before your lordships. The attempt failed, and he is reponsible for the consequences.

How dared he to make these experiments? In what maner can be justified for playing fast and loose with the dearst interests, and perhaps with the very existence of a nation? ttend to the manner in which he justifies himself, and you rill find the whole secret let out. "The easy accumulation f too much wealth," he says, "had been Cheit Sing's ruin; had buoyed him up with extravagant and ill-founded noions of independence, which I very much wished to discourge in the future rajah. Some part, therefore, of the superbundant produce in the country I turned into the coffers of he sovereign by an augmentation of the tribute." Who uthorized him to make any augmentation of the tribute? ut above all, who authorized him to augment it upon this rinciple? I must take care the tributary prince does not grow o rich, if he gets rich he will get proud. This prisoner has ot a scale like that in the almanac, "war begets poverty; overty peace," and so on. The first rule that he lays down , that he will keep the new rajah in a state of poverty; beause if he grows rich he will become proud, and behave as heit Sing did. You see the ground, foundation, and spirit of he whole proceeding. Cheit Sing was to be robbed. Why? ecause he is too rich. His successor is to be reduced to a iserable condition. Why? Lest he should grow rich and ecome troublesome. The whole of his system is to preent men from growing rich, lest if they should grow rich, hey should grow proud, and seek independence. Your lordhips see, that in this man's opinion riches must beget pride. hope your lordships will never be so poor as to cease to be roud; for ceasing to be proud, you will cease to be indeendent.

Having resolved that the rajah should not grow rich, for fear he should grow proud and independent, he orders him to pay forty lacks of rupees, or £400,000, annually to the company. The tribute had before been £250,000, and he all at once raised it to £400,000. Did he previously inform the council of these intentions? Did he inform them of the amount of the gross collections of the country, from any properly authenticated accounts procured from any public office?

I need not inform your lordships, that it is a serious thing to draw out of a country, instead of £250,000, an annual tribute of £400,000. There were other persons besides the rajah concerned in this enormous increase of revenue. The whole country is interested in its resources being fairly estimated and assessed; for if you overrate the revenue which it is supposed to yield to the great general collector, you necessitate him to overrate every under-collector, and thereby instigate them to harass and oppress the people. It is upon these grounds that we have charged the prisoner at your bar, with having acted arbitrarily, illegally, unjustly, and tyrannically: and your lordships will bear, in mind, that these acts were done by his sole authority, which authority we have shown to have been illegally assumed.

My lords, before he took the important steps which I have just stated, he consulted no one but Mr. Markham, whom he placed over the new rajah. The rajah was only nineteen years old: but Mr. Markham undoubtedly had the advantage of him in this respect, for he was twenty-one. He had also the benefit of five months' experience of the country; an abundant experience, to be sure, my lords, in a country where it is well known, from the peculiar character of its inhabitants, that a man cannot any where put his foot without placing it upon some trap or mine until he is perfectly acquainted with its localities. Nevertheless, he puts the whole country and a prince of nineteen, as appears from the evidence, into the hands of Mr. Markham, a man of twenty-one. We have no doubt of

Mr. Markham's capacity; but he could have no experience in the country over which he possessed a general controlling power. Under these circumstances, we surely shall not wonder if this young man fell into error. I do not like to treat harshly the errors into which a very young person may fall: but the man, who employs him and puts him into a situation for which he has neither capacity nor experience, is responsible for the consequences of such an appointment; and Mr. Hastings is doubly responsible in this case, because he placed Mr. Markham as resident, merely to show that he defied the authority of the court of directors.

But, my lords, let us proceed. We find Mr. Hastings resolved to exact forty lacks from the country; although he had no proof that such a tribute could be fairly collected. He next assigns to this boy, the rajah, emoluments amounting to about £60,000 a year. Let us now see upon what grounds he can justify the assignment of these emoluments. I can perceive none but such as are founded upon the opinion of its being necessary to the support of the rajah's dignity. Now, when Mr. Markham, who is the sole ostensible actor in the management of the new rajah, as he had been a witness to the deposition of the former, comes before you to give an account of what he thought of Cheit Sing, who appears to have properly supported the dignity of his situation; he tells you, that about a lack or a lack and a half (£10,000 or £15,000) a year was as much as Cheit Sing could spend. And yet this young creature, settled in the same country, and who was to pay £400,000 a year, instead of £250,000 tribute to the company, was authorized by Mr. Hastings to collect and reserve to his own use £60,000 out of the revenue. That is to say, he was to receive four times as much as was stated by Mr. Hastings, on Mr. Markham's evidence, to have been necessary to support him.

Your lordships tread upon corruption every where. Why was such a large revenue given to the young rajah to support his dignity, when, as they say, Cheit Sing did not spend

above a lack and half in support of his; though it is known he had great establishments to maintain; that he had erected considerable buildings adorned with fine gardens; and, according to them, had made great preparations for war?

We must at length imagine, that they knew the country could bear the impost imposed upon it. I ask, how did they know this? We have proved to you, by a paper presented here by Mr. Markham, that the net amount of the collections was about £360,000. This is their own account, and was made up, as Mr. Markham says, by one of the clerks of Durbedgy Sing, together with his Persian moonshee, (a very fine council to settle the revenues of the kingdom,) in his private house. And with this account before them, they have dared to impose upon the necks of that unhappy people a tribute of £400,000, together with an income for the rajah of £60,000. These sums the naib Durbedgy Sing was bound to furnish, and left to get them as he could. Your lordships will observe, that I speak of the net proceeds of the collections. We have nothing to do with the gross amount. We are speaking of what came to the public treasury, which was no more than I have stated; and it was out of the public treasury that these payments were to be made, because there could be no other honest way of getting the money.

But let us now come to the main point, which is to ascertain what sums the country could really bear. Mr. Hastings maintains, (whether in the speech of his counsel or otherwise, I do not recollect,) that the revenue of the country was £400,000, that it constantly paid that sum, and flourished under the payment. In answer to this, I refer your lordships, first to Mr. Markham's declaration, and the Wassil Baakee, which is in page 1750 of the printed minutes. I next refer your lordships to Mr. Duncan's Reports, in page 2493. According to Mr. Duncan's public estimate of the revenue of Benares, the net collections of the very year we are speaking of, when Durbedgy Sing had the management, and when

Mr. Markham, his Persian moonshee, and a clerk in his private house, made their estimates, without any documents, or with whatever documents, or God only knows, for nothing appears on the record of the transaction; the collections yielded in that year but £340,000, that is, £20,000 less than Mr. Markham's estimate. But take it which way you will, whether you take it at Mr. Markham's £360,000, or at Mr. Duncan's £340,000, your lordships will see, that, after reserving £60,000 for his own private expenses, the rajah could not realize a sum nearly equal to the tribute demanded.

Your lordships have also in evidence before you an account of the produce of the country, for, I believe, full five years after this period, from which it appears that it never realized the forty lacks, or any thing like it. Yielding only thirty-seven and thirty-nine lacks, or thereabouts, which is £20,000 short of Mr. Markham's estimate, and £160,000 short of Mr. Hastings's. On what data could the prisoner at your bar have formed this estimate? Where were all the clerks and mutseddies, where were all the men of business in Benares, who could have given him complete information upon the subject? We do not find the trace of any of them; all our information is Mr. Markham's moonshee, and some clerk of Durbedgy Sing's employed in Mr. Markham's private counting-house, in estimating revenues of a country.

The disposable revenue was still further reduced by the jaghires which Mr. Hastings granted, but to what amount does not appear. He mentions the increase in the revenue, by the confiscation of the estates of the Baboos, who had been in rebellion. This he rates at six lacks. But we have inspected the accounts; we have examined them with that sedulous attention, which belongs to that branch of the legislature that has the care of the public revenues, and we have not found one trace of this addition. Whether these confiscations were ever actually made, remains doubtful; but if they were made, the application or the receipt of the

money they yielded does not appear in any account whatever. I leave your lordships to judge of this.

But it may be said, that Mr. Hastings might have been in an error. If he was in an error, my lords, his error continued an extraordinary length of time. The error itself was also extraordinary in a man of business; it was an error of account. If his confidential agent, Mr. Markham, had originally contributed to lead him into the error, he soon perceived it. He soon informed Mr. Hastings, that his expectations were erroneous, and that he had overrated the country. What then are we to think of his persevering in this error? Mr. Hastings might have formed extravagant and wild expectations when he was going up the country to plunder; for we allow that avarice may often overcalculate the hoards that it is going to rob. If a thief is going to plunder a banker's shop, his avarice, when running the risk of his life, may lead him to imagine there is more money in the shop than there really is. But when this man was in possession of the country, how came he not to know and understand the condition of it better? In fact he was well acquainted with it, for he has declared it to be his opinion, that forty lacks was an overrated calculation; and that the country could not continue to pay this tribute at the very time he was imposing it. You have this admission in page 294 of the printed minutes; but in the very face of it he says, If the rajah will exert himself, and continue for some years the regular payment, he will then grant him a remission. Thus the rajah was told, what he well knew, that he was overrated, but that at some time or another, he was to expect a remission. And what, my lords, was the condition upon which he was to obtain this promised indulgence? The punctual payment of that which Mr. Hastings declares he was not able to pay; and which he could not pay without ruining the country, betraying his own honor and character, and acting directly contrary to the duties of the station in which Mr. Hastings had placed him. Thus this unfortunate man was compelled to have re-

course to the most rigorous exaction, that he might be enabled to satisfy the exorbitant demand which had been made upon him.

But let us suppose that the country was able to afford the sum at which it was assessed, and that nothing was required but vigor and activity in the rajah. Did Mr. Hastings endeavor to make his strength equal to the task imposed on him? No; the direct contrary; in proportion as he augmented the burthens of this man, in just that proportion he took away his strength and power of supporting these burthens.

There was not one of the external marks of honor, which attended the government of Cheit Sing, that he did not take away from the new rajah; and still, when this new man came to his new authority, deprived of all external marks of consequence, and degraded in the opinion of his subjects, he was to extort from his people an additional revenue, payable to the company, of fifteen lacks of rupees more than was paid by the late rajah, in all the plenitude of undivided authority. To increase this difficulty still more, the father and guardian of this inexperienced youth was a man who had no credit or reputation in the country. This circumstance alone was a sufficient drawback from the weight of his authority; but Mr. Hastings took care that he should be divested of it altogether; for, as our charge states, he placed him under the immediate direction of Mr. Markham; and consequently Mr. Markham was the governor of the country. Could a man, with a reduced, divided, contemptible authority, venture to strike such bold and hardy strokes as would be efficient, without being oppressive? Could he, or any other man, thus bound and shackled, execute such vigorous and energetic measures, as were necessary to realize such an enormous tribute as was imposed upon this unhappy country?

My lords, I must now call your attention to another circumstance, not mentioned in the charge, but connected with

the appointment of the new rajah, and of his naib, Durbedgy Sing, and demonstrative of the unjust and cruel treatment to which they were exposed. It appears, from a letter produced here by Mr. Markham, (upon which kind of correspondence I shall take the liberty to remark hereafter,) that the rajah lived in perpetual apprehension of being removed, and that a person, called Oossaun Sing, was intended as his successor. Mr. Markham, in one part of his correspondence, tells you, that the rajah did not intend to hold the government any longer. Why? Upon a point of right, namely, that he did not possess it upon the same advantageous terms as Cheit Sing; but he tells you in another letter, (and this is a much better key to the whole transaction,) that he was in dread of that Oossaun Sing, whom I have just mentioned. This man Mr. Hastings kept ready to terrify the rajah; and you will, in the course of these transactions, see that there is not a man in India, of any consideration, against whom Mr. Hastings did not keep a kind of pretender, to keep him in continual awe. This Oossaun Sing, whom Mr. Hastings brought up with him to Benares, was dreaded by Cheit Sing, not less than by his successor. We find, that he was at first nominated naib or acting governor of the country; but had never been put in actual possession of this high office, and Durbedgy Sing was appointed to it. Although Oossaun Sing was thus removed, he continued his pretensions, and constantly solicited the office. Thus the poor man, appointed by Mr. Hastings, and actually in possession, was not only called upon to perform tasks beyond his strength, but was over-awed by Mr. Markham, and terrified by Oossaun Sing, (the mortal enemy of the family,) who, like an accusing fiend, was continually at his post, and unceasingly reiterating his accusations. This Oossaun Sing was, as Mr. Markham tells you, one of the causes of the rajah's continued dejection and despondency; but it does not appear that any of these circumstances were ever laid before the council; the whole passed between Mr. Hastings and Mr. Markham.

Mr. Hastings having by his arbitrary will thus disposed of the revenue, and of the landed property of Benares, we will now trace his further proceedings, and their effects. He found the country most flourishing in agriculture and in trade; but not satisfied with the experiment he had made upon the government, upon the revenues, upon the reigning family, and upon all the landed property, he resolved to make as bold and as novel an experiment upon the commercial interests of the country. Accordingly he entirely changed that part of the revenue system, which affects trade and commerce, the life and soul of a state. Without any advice that we know of, except Mr. Markham's, he sat down to change, in every point, the whole commercial system of that country; and he effected the change upon the same arbitrary principles which he had before acted upon, namely, his own arbitrary will. We are told, indeed, that he consulted bankers and merchants; but when your lordships shall have learned what has happened from this experiment, you will easily see whether he did resort to proper sources of information or not. You will see, that the mischief which has happened has proceeded from the exercise of arbitrary power. Arbitrary power, my lords, is always a miserable creature. When a man once adopts it as the principle of his actions, no one dares to tell him a truth; no one dares to give him any information that is disagreeable to him; for all know, that their life and fortune depend upon his caprice. Thus the man, who lives in the exercise of arbitrary power, condemns himself to eternal ignorance. Of this the prisoner at your bar affords us a striking example. This man, without advice, without assistance, and without resource, except in his own arbitrary power; stupidly ignorant in himself, and puffed up with the constant companion of ignorance, a blind presumption, alters the system of commercial imposts, and thereby ruined the whole trade of the country, leaving no one part of it undestroyed.

Let me now call your lordships' attention to his assumption

of power, without one word of communication with the council at Calcutta, where the whole of these trading regulations might and ought to have been considered, and where they could have been deliberately examined and determined upon. By this assumption, the council was placed in the situation which I have before described; it must either confirm his acts, or again undo every thing which had been done. He had provided, not only against resistance, but almost against any inquiry into his wild projects. He had, by his opium contracts, put all vigilance asleep; and by his bullock and other contracts, he had secured a variety of concealed interests, both abroad and at home. He was sure of the ratification of his acts by the council, whenever he should please to inform them of his measures; and to his secret influence he trusted for impunity in his career of tyranny and oppression.

In bringing before you his arbitrary mode of imposing duties, I beg to remind your lordships, that, when I examined Mr. Markham, concerning the imposing of a duty of five per cent., instead of the former duty of two, I asked him, whether that five per cent. was not laid on in such a manner as utterly to extinguish the trade; and whether it was not, in effect and substance, five times as much as had been paid before. What was his answer? Why, that many plans, which, when considered in the closet, look specious and plausible, will not hold when they come to be tried in practice, and that this plan was one of them. The additional duties, said he, have never since been exacted. But, my lords, the very attempt to exact them utterly ruined the trade of the country. They were imposed upon a visionary theory, formed in his own closet, and the result was exactly what might have been anticipated. Was it not an abominable thing in Mr. Hastings, to withhold from the council the means of ascertaining the real operation of his taxes? He had no knowledge of trade himself; he cannot keep an account; he has no memory. In fact, we find him a man possessed of no one

quality fit for any kind of business whatever. We find him pursuing his own visionary projects, without knowing any thing of the nature or the circumstances under which the trade of the country was carried on. These projects might have looked very plausible; but when you come to examine the actual state of the trade, it is not merely a difference between five and two per cent., but it becomes a different mode of estimating the commodity, and it amounts to five times as much as was paid before. We bring this as an exemplification of this cursed mode of arbitrary proceeding, and to show you his total ignorance of the subject, and his total indifference about the event of the measure he was pursuing. When he began to perceive his blunders, he never took any means whatever to put the new regulations, which these blunders had made necessary, into execution, but he left all this mischievous project to rage in its full extent.

I have shown your lordships, how he managed the private property of the country; how he managed the government, and how he managed the trade. I am now to call your lordships' attention to some of the consequences, which have resulted from the instances of management, or rather gross mismanagement, which have been brought before you. Your lordships will recollect, that none of these violent and arbitrary measures, either in their conception or in the progress of their execution, were officially made known to the council. And you will observe, as we proved, that the same criminal concealment existed with respect to the fatal consequences of these acts.

After the flight of Cheit Sing, the revenues were punctually paid by the naib Durbedgy Sing, month by month, kist by kist, until the month of July, and then, as the country had suffered some distress, the naib wished this kist or instalment to be thrown on the next month. You will ask, why he wished to burthen this month beyond the rest? I reply, the reason was obvious; the month of August is the last of the

year, and he would, at its expiration, have the advantage of viewing the receipts of the whole year, and ascertaining the claim of the country to the remission of a part of the annual tribute which Mr. Hastings had promised, provided the instalments were paid regularly. It was well known to every body, that the country had suffered very considerably by the revolt, and by a drought which prevailed that year. The rajah, therefore, expected to avail himself of Mr. Hastings's flattering promise, and to save, by the delay, the payment of one of the two kists. But mark the course that was taken; the two kists were at once demanded at the end of the year, and no remission of tribute was allowed. By the promise of remission, Mr. Hastings tacitly acknowledged that the rajah was overburthened; and he admits, that the payment of the July kist was postponed at the rajah's own desire. He must have seen the rajah's motive for desiring delay, and he ought to have taken care that this poor man should not be oppressed and ruined by this compliance with requests founded on such motives.

So passed the year 1781. No complaints of arrears in Durbedgy Sing's payments appear on record before the month of April, 1782; and I wish your lordships seriously to advert to the circumstances attending the evidence respecting these arrears, which has been produced for the first time by the prisoner in his defence here at your bar. This evidence does not appear in the company's records; it does not appear in the book of the Benares correspondence; it does not appear in any documents to which the Commons could have access; it was unknown to the directors, unknown to the council; unknown to the residents, Mr. Markham's successors at Benares; unknown to the searching and inquisitive eye of the Commons of Great Britain. This important evidence was drawn out of Mr. Markham's pocket, in the presence of your lordships. It consists of a private correspondence, which he carried on with Mr. Hastings, unknown to the council, after Durbedgy Sing had been appointed naib; after the new gov-

ernment had been established, after Mr. Hastings had quitted that province, and had apparently wholly abandoned it; and when there was no reason whatever why the correspondence should not be public. This private correspondence of Mr. Markham's, now produced for the first time, is full of the bitterest complaints against Durbedgy Sing. These clandestine complaints, these underhand means of accomplishing the ruin of a man, without the knowledge of his true and proper judges, we produce to your lordships as a heavy aggravation of our charge, and as a proof of a wicked conspiracy to destroy the man. For if there was any danger of his falling into arrears when the heavy accumulated kists came upon him, the council ought to have known that danger; they ought to have known every particular of these complaints; for Mr. Hastings had then carried into effect his own plans.

I ought to have particularly marked for your lordships' attention, this second era of clandestine correspondence between Mr. Hastings and Mr. Markham. It commenced after Mr. Hastings had quitted Benares, and had nothing to do with it but as governor-general: even after his extraordinary, and, as we contend, illegal power had completely expired, the same clandestine correspondence was carried on. He apparently considered Benares as his private property; and just as a man acts with his private steward about his private estate, so he acted with the resident at Benares. He receives from him, and answers letters containing a series of complaints against Durbedgy Sing, which began in April, and continued to the month of November, without making any public communication of them. He never laid one word of this correspondence before the council until the 29th of November, and he had then completely settled the fate of this Durbedgy Sing.

This clandestine correspondence we charge against him as an act of rebellion; for he was bound to lay before the council the whole of his correspondence relative to the revenue and all the other affairs of the country. We charge it

not only as rebellion against the orders of the company and the laws of the land, but as a wicked plot to destroy this man, by depriving him of any opportunity of defending himself before the council, his lawful judges. I wish to impress it strongly on your lordships' minds, that neither the complaints of Mr. Markham nor the exculpations of Durbedgy Sing were ever made known till Mr. Markham was examined in this hall.

The first intimation afforded the council of what had been going on at Benares, from April, 1782, at which time Mr. Markham says, the complaints against Durbedgy Sing had risen to serious importance, was in a letter dated the 27th of November following. This letter was sent to the council from Nia Serai, in the Ganges, where Mr. Hastings had retired for the benefit of the air. During the whole time he was in Calcutta, it does not appear upon the records that he had ever held any communication with the council upon the subject. The letter is in the printed minutes, page 298, and is as follows: "The governor-general—I desire the secretary to lay the accompanying letters from Mr. Markham before the board, and request that orders may be immediately sent to him concerning the subjects contained in them. It may be necessary to inform the board, that on repeated information from Mr. Markham, which indeed was confirmed to me beyond a doubt, by other channels, and by private assurances which I could trust, that the affairs of that province were likely to fall into the greatest confusion from the misconduct of Baboo Durbedgy Sing, whom I had appointed the naib; fearing the dangerous consequences of a delay, and being at too great a distance to consult the members of the board, who I knew could repose that confidence in my local knowledge as to admit of this occasional exercise of my own separate authority, I wrote to Mr. Markham the letter to which he alludes, dated the 29th of September last, of which I now lay before the board a copy. The first of the accompanying letters from Mr. Markham arrived at a time, when a severe

return of my late illness obliged me, by the advice of my physicians, to leave Calcutta for the benefit of the country air, and prevented me from bringing it earlier before the notice of the board."

I have to remark upon this part of the letter, that he claims for himself an exercise of his own authority. He had now no delegation, and therefore no claim to separate authority. He was only a member of the board; obliged to do every thing according to the decision of the majority; and yet he speaks of his own separate authority; and after complimenting himself, he requests its confirmation. The complaints of Mr. Markham had been increasing, growing, and multiplying upon him, from the month of April preceding, and he had never given the least intimation of it to the board until he wrote this letter. This was at so late a period that he then says, the time won't wait for a remedy; I am obliged to use my own separate authority: although he had abundant time for laying the whole matter before the council.

He next goes on to say, "It had indeed been my intention, but for the same cause, to have requested the instructions of the board for the conduct of Mr. Markham, in the difficulties which he had to encounter immediately after the date of my letter to him; and to have recommended the substance of it, for an order to the board."

He seems to have promised Mr. Markham that, if the violent act which Mr. Markham proposed, and which he, Mr. Hastings, ordered, was carried into execution, an authority should be procured from the board. He, however, did not get Mr. Markham such an authority. Why? Because he was resolved, as he has told you, to act by his own separate authority; and because, as he has likewise told you, that he disobeys the orders of the court of directors, and defies the laws of his country, as a signal of his authority.

Now, what does he recommend to the board? That it will be pleased to confirm the appointment which Mr. Markham made in obedience to his individual orders, as well as the

directions which he had given him, to exact from Baboo Durbedgy Sing, with the utmost rigor, every rupee of the collections; and either to confine him at Benares, or send him to Chunar; and imprison him there, until the whole of his arrears were paid up. Here then, my lords, you have, what plainly appears in every act of Mr. Hastings, a feeling of resentment for some personal injury. "I feel myself," says he, "and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and the discredit which his ill conduct has thrown on my appointment of him. The rajah himself, scarcely arrived at the verge of manhood, was in understanding but little advanced beyond the term of childhood; and it had been the policy of Cheit Sing to keep him equally secluded from the world and from business." This is the character Mr. Hastings gives of a man, whom he appointed to govern the country. He goes on to say of Durbedgy Sing;—"As he was allowed a jaghire of a very liberal amount, to enable him to maintain a state and consequence, suitable both to the relation in which he stood to the rajah, and the high office which had been assigned to him, and sufficient also to free him from the temptation of little and mean peculations, it is therefore my opinion, and I recommend that Mr. Markham be ordered to divest him of his jaghire, and reunite it to the malguzzary, or the land paying its revenue, through the rajah, to the company.

"The opposition made by the rajah, and the old rannee, both equally incapable of judging for themselves, do certainly originate from some secret influence, which ought to be checked by a decided and peremptory declaration of the authority of the board, and a denunciation of their displeasure at their presumption. If they can be induced to yield the appearance of a cheerful acquiescence in the new arrangement, and to adopt it as a measure formed with their participation, it would be better than that it should be done by a declared act of compulsion; but at all events it ought to be done."

y lords, it had been already done; the naib was dismissed; was imprisoned; his jaghire was confiscated; all these ings were done by Mr. Hastings's orders. He had resolved take the whole upon himself; he had acted upon that solution before he addressed this letter to the board.

Thus, my lords, was this unhappy man punished without ıy previous trial, or any charges, except the complaints of Ir. Markham, and some other private information which Mr. Hastings said he had received. Before the poor object of ıese complaints could make up his accounts, before a single ep was taken, judicially or officially, to convict him of any ime, he was sent to prison, and his private estates confis-ıted.

My lords, the Commons of Great Britain claim from you, ıat no man shall be imprisoned till a regular charge is made gainst him, and the accused fairly heard in his defence. hey claim from you, that no man shall be imprisoned on a ıatter of account, until the account is settled between the ırties. And claiming this, we do say, that the prisoner's ɔnduct towards Durbedgy Sing was illegal, unjust, violent, ıd oppressive. The imprisonment of this man was clearly legal on the part of Mr. Hastings, as he acted without the uthority of the council, and doubly oppressive, as the im-risoned man was thereby disabled from settling his account ith the numberless sub-accountants, whom he had to deal ith in the collection of the revenue.

Having now done with these wicked, flagitious, abandoned, ıd abominable acts, I shall proceed to the extraordinary owers given by Mr. Hastings to his instrument, Mr. Mark-am, who was employed in perpetrating these acts, and to ıe very extraordinary instructions which he gave this in-trument for his conduct in the execution of the power en-usted to him. In a letter to Mr. Markham, he says, "I need ot tell you, my dear sir, that I possess a very high opinion f your abilities, and that I repose the utmost confidence in our integrity." He might have had reason for both, but he

scarcely left to Mr. Markham the use of either. He arbitrarily imposed upon him the tasks which he wished him to execute, and he engaged to bear out his acts by his own power. "From your long residence at Benares," says he, "and from the part you have had in the business of that zemindary, you must certainly best know the men who are most capable and deserving of public employment. From among these I authorize you to nominate a naib to the rajah, in the room of Durbedgy Sing, whom, on account of his ill conduct, I think it necessary to dismiss from that office. It will be hardly necessary to except Oossaun Sing from the description of men to whom I have limited your choice, yet it may not be improper to apprize you, that I will, on no terms, consent to his being naib. In forming the arrangements, consequent upon this new appointment, I request you will, as far as you can with propriety, adopt those which were in use during the life of Bulwant Sing; so far, at least, as to have distinct offices for distinct purposes, independent of each other, and with proper men at the head of each; so that one office may detect or prevent any abuses or irregularities in the others, and together form a system of reciprocal checks. Upon that principle I desire you will in particular establish, under whatever names, one office of receipts, and another of treasury; the officers of both must be responsible for the truth and regularity of their respective accounts, but not subject in the statement of them, to the control or interference of the rajah or naib; nor should they be removable at pleasure, but for manifest misconduct only. At the head of one or other of these offices I could wish to see the late Boxey Rogoober Dyall; his conduct in his former office, his behavior on the revolt of Cheit Sing, and particularly at the fall of Bidjigur, together with his general character, prove him worthy of employment, and of the notice of our government. It is possible that he may have objections to holding an office under the present rajah; offer him one, however, and let him know that you do so by my directions." He then goes on

to say, "Do not wholly neglect the rajah; consult with him in appearance, but in appearance only. His situation requires that you should do that much; but his youth and inexperience forbid that you should do more."

You see, my lords, he has completely put the whole government into the hands of a man, who had no name, character, or official situation, but that of the company's resident at that place. Let us now see what is the office of a resident. It is to reside at the court of the native prince, to give the council notice of the transactions that are going on there, and to take care that the tribute be regularly paid, kist by kist; but we have seen that Mr. Markham, the resident at Benares, was invested by Mr. Hastings with supreme authority in this unhappy country. He was to name whoever he pleased to its government, with the exception of Oossaun Sing, and to drive out the person who had possessed it under an authority, which could only be revoked by the council. Thus Mr. Hastings delegated to Mr. Markham an authority which he himself did not really possess, and which could only be legally exercised through the medium of the council.

With respect to Durbedgy Sing, he adds, — "He has dishonored my choice of him." *My* choice of him! "It now only remains to guard against the ill effects of his misconduct, to detect and punish it. To this end I desire that the officers to be appointed in consequence of these instructions do, with as much accuracy and expedition as possible, make out an account of the receipts, disbursements, and transactions of Durbedgy Sing, during the time he has acted as naib of the zemindary of Benares; and I desire you will, in my name, assure him, that unless he pays at the limited time, every rupee of the revenue due to the company, his life shall answer for the default. I need not caution you to provide against his flight, and the removal of his effects." He here says, my lords, that he will detect and punish him; but the first thing he does, without any detection, even before the accounts he talks of are made up, and without knowing whether he has

got the money or not, he declares that he will have every rupee paid at the time, or otherwise the naib's life shall pay for it.

Is this the language of a British governor; of a person appointed to govern, *by law*, nations subject to the dominion and under the protection of this kingdom? Is he to order a man to be first imprisoned and deprived of his property; then for an inquiry to be made, and to declare, during that inquiry, that if every rupee of a presumed embezzlement be not paid up, the life of his victim shall answer for it? And accordingly this man's life did answer for it, as I have already had occasion to mention to your lordships.

I will now read Mr. Markham's letter to the council, in which he enters into the charges against Durbedgy Sing, after this unhappy man had been imprisoned.

Benares, 24th of October, 1782.—"I am sorry that my duty obliges me to mention to your honorable board, my apprehensions of a severe loss accruing to the honorable company, if Baboo Durbedgy Sing is continued in the naibut during the present year. I ground my fears on the knowledge I have had of his mismanagement; the bad choice he has made of his aumils; the mistrust which they have of him; and the several complaints which have been preferred to me, by the ryotts of almost every pergunnah in the zemindary. I did not choose to waste the time of your honorable board, in listening to my representations of his inattention to the complaints of oppression, which were made to him by his ryotts, as I hoped that a letter he received from the honorable governor-general would have had weight sufficient to have made him more regular in his business, and more careful of his son's interest."

My lords, think of the condition of your government in India! Here is a resident at Benares exercising power not given to him by virtue of his office, but given only by the private orders of the prisoner at your bar. And what is it he *does*? He says, he did not choose to trouble the council

with a particular account of his reasons for removing a man who possessed an high office under their immediate appointment. The council was not to know them: he did not choose to waste the time of their honorable board, in listening to the complaints of the people. No; the honorable board is not to have its time wasted in that improper manner; therefore, without the least inquiry or inquisition, the man must be imprisoned, and deprived of his office: he must have all his property confiscated, and be threatened with the loss of his life.

These are crimes, my lords, for which the Commons of Great Britain knock at the breasts of your consciences, and call for justice. They would think themselves dishonored for ever, if they had not brought these crimes before your lordships, and with the utmost energy demanded your vindictive justice, to the fullest extent in which it can be rendered.

But there are some aggravating circumstances in these crimes, which I have not yet stated. It appears that this unhappy and injured man was, without any solicitation of his own, placed in a situation, the duties of which even Mr. Hastings considered it impossible for him to execute. Instead of supporting him with the countenance of the supreme government, Mr. Hastings did every thing to lessen his weight, his consequence, and authority. And when the business of the collection became embarrassed, without any fault of his, that has ever yet been proved, Mr. Markham instituted an inquiry. What kind of inquiry it was that would or could be made, your lordships will judge. While this was going on, Mr. Markham tells you, that in consequence of orders which he had received, he first put him into a gentle confinement. Your lordships know what that confinement was; and you know what it is for a man of his rank to be put into any confinement. We have shown he was thereby incapable of transacting business. His life had been threatened, if he should not pay in the balance of his accounts within a short

limited time; still he was subjected to confinement while he had money accounts to settle with the whole country. Could a man in gaol, dishonored and reprobated, take effectual means to recover the arrears which he was called upon to pay? Could he, in such a situation, recover the money which was unpaid to him, in such an extensive district as Benares. Yet Mr. Markham tells the council, he thought proper "that Durbedgy Sing should be put under a gentle confinement, until I shall receive your honorable board's orders for any future measures." Thus Mr. Markham, without any orders from the council, assumed an authority to do that, which we assert a resident at Benares had no right to do; but to which he was instigated by Mr. Hastings's recommendation, that Durbedgy Sing should be prevented from flight.

Now, my, lords, was it to be expected, that a man of Durbedgy Sing's rank should suffer these hardships and indignities; and at the same time kiss the rod and say, I have deserved it all? We know, that all mankind revolts at oppression, if it be real. We know, that men do not willingly submit to punishment just or unjust; and we find, that Durbedgy Sing had near relatives, who used for his relief all the power which was left them;—that of remonstrating with his oppressors. Two arzies, or petitions, were presented to the council, of which we shall first call your lordships' attention to one from the Dowager princess of Benares, in favor of her child and of her family.

From the raunee, widow of Bulwant Sing, received the 15th of December, 1782,—"I and my children have no hopes but from your highness, and our honor and rank are bestowed by you.—Mr. Markham, from the advice of my enemies, having protected the farmers, would not permit the balances to be collected. Baboo Durbedgy Sing frequently before desired that gentleman to show his resentment against the people who owed balances, that the balances might be collected, and to give ease to his mind for the present year,

conformably to the requests signed by the presence, that he might complete the bundobust. But that gentleman would not listen to him; and having appointed a mutseddy and taveeldar, employs them in the collections of the year, and sent two companies of sepoys and arrested Baboo Durbedgy Sing upon this charge, that he had secreted in his house many lacks of rupees from the collections, and he carried the mutseddies and treasurer with their papers to his own presence. He neither ascertained this matter by proofs, nor does he complete the balance of the sircar from the jaidaads of the balances; right or wrong, he is resolved to destroy our lives. As we have no asylum or hope except from your highness, and as the Almighty has formed your mind to be a distributer of justice in these times, I therefore hope from the benignity of your highness, that you will inquire and do justice in this matter, and that an aumeen may be appointed from the presence, that having discovered the crimes or innocence of Baboo Durbedgy Sing, he may report to the presence. Further particulars will be made known to your highness by the arzie of my son rajah Mehipnarain Bahader."

Arzie from rajah Mehipnarain Barhader, received 15th December, 1782.—"I before this had the honor of addressing several arzies to your presence, but from my unfortunate state, not one of them has been perused by your highness, that my situation might be fully learnt by you. The case is this; Mr. Markham, from the advice of my enemies, having occasioned several kinds of losses, and given protection to those who owed balances, prevented the balance from being collected; for this reason, that the money not being paid in time, the Baboo might be convicted of inability. From this reason, all the owers of balances refused to pay the Malwajib of the sircar. Before this, the Baboo had frequently desired that gentleman to show his resentment against the persons who owed the balances, that the balances might be paid, and that his mind might be at ease for the present year,

so that the bundobust of the present year might be completed; adding, that if, next year, such kinds of injuries, and protection of the farmers, were to happen, he should not be able to support it."

I am here to remark to your lordships, that the last of these petitions begins by stating, "I before this have had the honor of addressing several arzies to your presence; but from my unfortunate state, not one of them has been perused by your highness." My lords if there is any one right secured to the subject, it is that of presenting a petition, and having that petition noticed. This right grows in importance, in proportion to the power and despotic nature of the governments to which the petitioner is subject. For where there is no sort of remedy from any fixed laws, nothing remains but complaint, and prayers, and petitions. This was the case in Benares, for Mr. Hastings had destroyed every trace of law, leaving only the police of the single city of Benares. Still we find this complaint, prayer, and petition, was not the first, but only one of many, which Mr. Hastings took no notice of, entirely despised, and never would suffer to be produced to the council; which never knew any thing, until this bundle of papers came before them, of the complaint of Mr. Markham against Durbedgy Sing, or of the complaint of Durbedgy Sing against Mr. Markham.

Observe, my lords, the person that put Durbedgy Sing in prison was Mr. Markham; while the complaint in the arzie is, that Mr. Markham was himself the cause of the very failure for which he imprisoned him. Now what was the conduct of Mr. Hastings, as judge? He has two persons before him; the one in the ostensible care of the revenue of the country; the other his own agent, acting under his authority. The first is accused by the second, of default in his payments: the latter is complained of by the former, who says, that the occasion of the accusation had been furnished by him the accuser. The judge, instead of granting redress, dismisses the complaints against Mr. Markham with repre-

hension, and sends the complainant to rot in prison, without making one inquiry, or giving himself the trouble of stating to Mr. Markham the complaints against him, and desiring him to clear himself from them. My lords, if there were nothing but this to mark the treacherous and perfidious nature of this conduct, this would be sufficient.

In this state of things, Mr. Hastings thus writes:—"To Mr. Markham. The measures which you have taken with Baboo Durbedgy Sing, are perfectly right and proper, so far as they go, and we now direct, that you exact from him, with the utmost rigor, every rupee of the collections which it shall appear that he has made, and not brought to account, and either confine him at Benares, or send him prisoner to Chunar, and keep him in confinement until he shall have discharged the whole of the amount due from him." He here employs the very person against whom the complaint is made, to imprison the complainant. He approves the conduct of his agent, without having heard his defence, and leaves him at his option, to keep his victim a prisoner at Benares, or to imprison him in the fortress of Chunar, the infernal place to which he sends the persons whom he has a mind to extort money from.

Your lordships will be curious to know, how this debt of Durbedgy Sing stood at the time of his imprisonment. I will state the matter to your lordships briefly, and in plain language, referring you for the particulars of the account to the papers which are in your minutes. It appears from them, that towards the end of the yearly account in 1782, a kist, or payment, of eight lacks, (about £80,000,) the balance of the annual tribute, was due. In part of this kist, Durbedgy Sing paid two lacks, (£20,000.) Of the remaining six lacks, (£60,000,) the outstanding debts in the country due to the revenue, but not collected by the naib, amounted to four lacks, (£40,000.) Thus far the account is not controverted by the accusing party; but Mr. Markham asserts, that he *shall* be able to prove that the naib had also actually received

the other two lacks, (£20,000;) and consequently was an actual defaulter to that amount, and had, upon the whole, suffered the annual tribute to fall six lacks in arrear. The naib denies the receipt of the two lacks just mentioned, and challenges inquiry; but no inquiries appear to have been made, and to this hour Mr. Markham has produced no proof of the fact. With respect to the arrear of the tribute money which appeared on the balance of the whole account, the naib defended himself by alleging the distresses of the country, the diminution of his authority, and the want of support from the supreme government, in the collection of the revenues; and he asserts, that he has assets sufficient, if time and power be allowed him for collecting them, to discharge the whole balance due to the company. The immediate payment of the whole balance was demanded, and Durbedgy Sing, unable to comply with the demand, was sent to prison. Thus stood the business, when Mr. Markham, soon after he had sent the naib to prison, quitted the residency; he was succeeded by Mr. Benn, who acted exactly upon the same principle. He declares, that the six lacks demanded were not demanded upon the principle of its having been actually collected by him, but upon the principle of his having agreed to pay it. We have, say Mr. Hastings's agents to the naib, we have a Jew's bond. If it is in your bond, we will have it, or we will have a pound of your flesh; whether you have received it or not, is no business of ours. About this time some hopes were entertained by the resident, that the naib's personal exertions in collecting the arrears of the tribute might be useful. These hopes procured him a short liberation from his confinement. He was let out of prison, and appears to have made another payment of half a lack of rupees. Still the terms of the bond were insisted on, although Mr. Hastings had allowed that these terms were extravagant, and only one lack and a half of the money which had been actually received, remained unpaid. One would think that common charity, that common decency, that com-

mon regard to the decorum of life, would, under such circumstances, have hindered Mr. Hastings from imprisoning him again. But, my lords, he was imprisoned again. He continued in prison till Mr. Hastings quitted the country; and there he soon after died,—a victim to the enormous oppression which has been detailed to your lordships.

It appears that, in the mean time, the residents had been using other means for recovering the balance due to the company. The family of the rajah had not been paid one shilling of the £60,000 allowed for their maintenance. They were obliged to mortgage their own hereditary estates for their support, while the residents confiscated all the property of Durbedgy Sing. Of the money thus obtained, what account has been given? None, my lords, none. It must, therefore, have been disposed of in some abominably corrupt way or other, while this miserable victim of Mr. Hastings was left to perish in a prison, after he had been elevated to the highest rank in the country.

But, without doubt, they found abundance of effects after his death? No, my lords; they did not find any thing. They ransacked his house; they examined all his accounts, every paper that he had, in and out of prison. They searched and scrutinized every thing. They had every penny of his fortune, and I believe, though I cannot with certainty know, that the man died insolvent; and it was not pretended that he had ever applied to his own use any part of the company's money.

Thus Durbedgy Sing is gone; this tragedy is finished; a second rajah of Benares has been destroyed. I do not speak of that miserable puppet, who was said by Mr. Hastings to be in a state of childhood when arrived at manhood; but of the person who represented the dignity of the family. He is gone; he is swept away; and in his name, in the name of this devoted Durbedgy Sing, in the name of his afflicted family, in the name of the people of the country, thus oppressed by an usurped authority, in the name of all these, re-

specting whom justice has been thus outraged, we call upon your lordships for justice.

We are now at the commencement of a new order of things. Mr. Markham had been authorized to appoint whoever he pleased as naib, with the exception of Oossaun Sing. He accordingly exercises this power, and chooses a person called Jagger Deo Sing. From the time of the confinement of Durbedgy Sing, to the time of this man's being put into the government, in whose hands were the revenues of the country? Mr. Markham himself has told you, at your bar, that they were in his hands: that he was the person who not only named this man, but that he had the sole management of the revenues; and he was, of course, answerable for them all that time. The nominal title of zemindar was still left to the miserable pageant who held it; but even the very name soon fell entirely out of use. It is in evidence before your lordships, that his name is not even so much as mentioned in the proceedings of the government; and that the person, who really governed, was not the ostensible Jagger Deo Sing, but Mr. Markham. The government, therefore, was taken completely and entirely out of the hands of the person who had a legal right to administer it; out of the hands of his guardians; out of the hands of his mother; out of the hands of his nearest relations; and in short, of all those who, in the common course of things, ought to have been entrusted with it. From all such persons I say, it was taken, and where, my lords, was it deposited? Why, in the hands of a man, of whom we know nothing, and of whom we never heard any thing, before we heard that Mr. Markham of his own usurped authority, authorized by the usurped authority of Mr. Hastings, without the least communication with the council, had put him in possession of that country.

Mr. Markham himself, as I have just said, administered the revenues alone, without the smallest authority for so doing, without the least knowledge of the council, till Jagger Deo

Sing was appointed naib. Did he then give up his authority? No such thing. All the measures of Jagger Deo Sing's government were taken with the concurrence and joint management of Mr. Markham. He conducted the whole; the settlements were made, the leases and agreements with farmers all regulated by him. I need not tell you, I believe, that Jagger Deo Sing was not a person of very much authority in the case: your lordships would laugh at me, if I said he was. The revenue arrangements were, I firmly believe, regulated and made by Mr. Markham. But whether they were or were not, it comes to the same thing. If they were improperly made and improperly conducted, Mr. Hastings is responsible for the whole of the mismanagement, for he gave the entire control to a person who had little experience; who was young in the world; (and this is the excuse I wish to make for a gentleman of that age.) He appointed him, and gave him at large a discretionary authority to name whom he pleased to be the ostensible naib; but we know, that he took the principal part himself in all his settlements and in all his proceedings.

Soon after the naib had been thus appointed and instructed by Mr. Markham, he settled, under his directions, the administration of the country. Mr. Markham then desires leave from Mr. Hastings to go down to Calcutta. I imagine he never returned to Benares; he comes to Europe; and here end the acts of this viceroy and delegate.

Let us now begin the reign of Mr. Benn and Mr. Fowke. These gentlemen had just the same power delegated to them that Mr. Markham possessed, not one jot less that I know of; and they were therefore responsible, and ought to have been called to an account by Mr. Hastings, for every part of their proceedings. I will not give you my own account of the reign of these gentlemen; but I will read to you what Mr. Hastings has thought proper to represent the state of the people to be under their government. This course will save your lordships time and trouble, for it will nearly supersede

all observations of mine upon the subject. I hold in my hand Mr. Hastings's representation of the effects produced by a government, which was conceived by himself, carried into effect by himself, and illegally invested by him with illegal powers, without any security or responsibility of any kind. Hear, I say, what an account Mr. Hastings gave, when he afterwards went up to Benares upon another wicked project, and think what ought to have been his feelings as he looked upon the ruin he had occasioned. Think of the condition in which he saw Benares the first day he entered it. He then saw it beautiful, ornamented, rich ; an object, that envy would have shed tears over for its prosperity—that humanity would have beheld with eyes glistening with joy for the comfort and happiness which were there enjoyed by man :— a country flourishing in cultivation to such a degree, that the soldiers were obliged to march in single files through the fields of corn, to avoid damaging them ; a country, in which Mr. Stables has stated, that the villages were thick beyond all expression ; a country where the people pressed round their sovereign, as Mr. Stables also told you, with joy, triumph, and satisfaction. Such was the country ; and in such a state and under such a master was it when he first saw it. See what it now is under Warren Hastings ; see what it is under the British government ; and then judge whether the Commons are or are not right in pressing the subject upon your lordships for your decision ; and letting you and all this great auditory know, what sort of a criminal you have before you, who has had the impudence to represent to your lordships at your bar, that Benares is in a flourishing condition in defiance of the evidence which we have under his own hands ; and who, in all the false papers that have been circulated to debauch the public opinion, has stated, that we, the Commons, have given a false representation as to the state of the country under the English government.

Lucknow, the 2d of April, 1784. Addressed to the honorable Edward Wheler, Esq., &c. Signed Warren Hastings. It

is in page 306 of the printed minutes.—"Gentlemen,—Having contrived by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the province which I am anxious to communicate to you; indeed the inquiry, which was in a great degree obtruded upon me, affected me with very mortifying reflections on my own inability to apply it to any useful purpose. From the confines of Buxar to Benares I was followed and fatigued by the clamors of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority should prove satisfactory to all who are the objects of it. The distresses which were produced by the long continued drought, unavoidably tended to heighten the general discontent; yet I have reason to fear, that the cause existed principally in a defective, if not a corrupt and oppressive administration. Of a multitude of petitions which were presented to me, and of which I took minutes, every one that did not relate to a personal grievance, continued the representation of one and the same species of oppression, which is in its nature of an influence most fatal to the future cultivation. The practice to which I allude, is this—it is affirmed, that the aumils and renters exact from the proprietors of the actual harvest, a large increase in kind on their stipulated rent, that is, from those who hold their pottahs by the tenure of paying one-half of the produce of their crops, either the whole without a subterfuge, or a large proportion of it by false measurement or other pretexts; and from those whose engagements are for a fixed rent in money, the half or a greater proportion is taken in kind; this is in effect a tax upon the industry of the inhabitants, since there is scarcely a field of grain in the province, I might say, not one, which has not been preserved by the incessant labor of the cultivator, by digging wells for their supply or watering them from the wells of Marisonry, with which this country abounds, or from the neighboring tanks,

rivers, and nullahs. The people who imposed on themselves this voluntary and extraordinary labor, and not unattended with expense, did it in the expectation of reaping the profits of it; and it is as certain that they would not have done it, if they had known that their rulers, from whom they were entitled to an indemnification, would take from them what they had so hardly earned; if the same administration continues, and the country shall again labor under a want of the natural rains, every field will be abandoned, the revenue fail, and thousands perish through the want of subsistence; for who will labor for the sole benefit of others and to make himself the subject of vexation? These practices are not to be imputed to the aumils employed in the districts, but to the naib himself. The avowed principle on which he acts, and which he acknowledged to myself, is, that the whole sum fixed for the revenue of the province must be collected, and that for this purpose the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others where the soil has been better suited to the season, or the industry of the cultivators more successfully exerted; a principle which, however specious and plausible it may at first appear, certainly tends to the most pernicious and destructive consequences. If this declaration of the naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the naib, or of the officers under him, was forced also upon my attention. The exorbitant rates exacted by an arbitrary valuation of the goods, the practice of exacting duties twice on the same goods, first from the seller and afterwards from the buyer; and the vexatious disputes and delays drawn on the merchants by these oppressions, were loudly complained of; and some instances of this kind were said to exist at the very time when I was in Benares. Under such circumstances we are not to

wonder if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay.

"Other evils or imputed evils have accidentally come to my knowledge, which I will not now particularize, as I hope that, with the assistance of the resident, they may be in part corrected; one, however, I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the resident at my desire enjoined the naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observance of this precaution, (which I am certain was faithfully delivered,) I repeated it to him in person, and dismissed him, that he might precede me for that purpose; but to my great disappointment, I found every place through which I passed abandoned; nor had there been a man left in any of them for their protection. I am sorry to add, that from Buxar to the opposite boundary, I have seen nothing but the traces of complete devastation in every village, whether caused by the followers of the troops, which have lately passed, for their natural relief, and I know not whether my own may not have had their share, or from the apprehension of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavorable appearances; and in my own heart I do acquit them: for at one encampment, near a large village called Derrara, in the pergunnah of Zemaneea, a crowd of people came to me, complaining that their former aumil, who was a native of the place, and had long been established in authority over them, and whose custom it had been, whenever any troops passed, to remain in person on the spot, for their protection, having been re-

moved, the new aumil, on the approach of any military detachment, himself first fled from the place, and the inhabitants, having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts, and my own senses bore testimony to it in this specific instance; nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, when there is neither opposition to hinder, nor evidence to deter them. These, and many other irregularities, I impute solely to the naib; and I think it my duty to recommend his instant removal. I would myself have dismissed him, had the control of this province come within the line of my powers, and have established such regulations and checks, as would have been most likely to prevent the like irregularities. I have said checks, because, unless there is some visible influence, and a powerful and able one impended over the head of the manager, no system can avail. The next appointed may prove, from some defect, as unfit for the office as the present; for the choice is limited to few, without experience to guide it. The first was of my own nomination; his merits and qualifications stood in equal balance with my knowledge of those who might have been the candidates for the office: but he was the father of the rajah, and the affinity sunk the scale wholly in his favor; for who could be so fit to be entrusted with the charge of his son's interest, and the new credit of the rising family? He deceived my expectations. Another was recommended by the resident, and at my instance the board appointed him. This was Jagger Deo Sing, the present naib. I knew him not, and the other members of the board as little.

While Mr. Markham remained in office, of whom, as his

immediate patron, he may have stood in awe, I am told that he restrained his natural disposition, which has been described to me as rapacious, unfeeling, haughty, and to an extreme, vindictive. I cannot avoid remarking, that, excepting the city of Benares itself, the province depending upon it is in effect, without a government, the naib exercising only a dependant jurisdiction without a principal. The rajah is without authority, and even his name disused in the official instruments issued or taken by the manager. The representation of his situation shall be the subject of another letter; I have made this already too long, and shall confine it to the single subject for the communication of which it was begun. This permit me to recapitulate. The administration of the province is misconducted, and the people oppressed; trade discouraged, and the revenue, though said to be exceeded in the actual collections by many lacks, (for I have a minute account of it, which states the net amount, including jaghires, as something more than fifty-one lacks,) in danger of a rapid decline, from the violent appropriation of its means; the naib or manager is unfit for his office; a new manager is required, and a system of official control, in a word, a constitution; for neither can the board extend its superintending powers to a district so remote from its observation, nor has it delegated that authority to the resident, who is merely the representative of government, and the receiver of its revenue in the last process of it; nor indeed would it be possible to render him wholly so, for reasons which I may hereafter detail."

My lords, you have now heard,—not from the managers,—not from records of office,—not from witnesses at your bar,—but from the prisoner himself, the state of the country of Benares, from the time that Mr. Hastings and his delegated residents had taken the management of it. My lords, it is a proof, beyond all other proof, of the melancholy state of the country, in which, by attempting to exercise usurped and arbitrary power, all power and all authority become extinguished, complete anarchy takes place, and nothing of

government appears but the means of robbing and ravaging, with an utter indisposition to take one step for the protection of the people.

Think, my lords, what a triumphal progress it was for a British governor, from one extremity of the province to the other, (for so he has stated it,) to be pursued by the cries of an oppressed and ruined people, where they dared to appear before him; and when they did not dare to appear, flying from every place; even the very magistrates being the first to fly! Think, my lords, that when these unhappy people saw the appearance of a British soldier, they fled as from a pestilence; and then think, that these were the people who labored in the manner which you have just heard; who dug their own wells; whose country would not produce any thing but from the indefatigable industry of its inhabitants; and that such a meritorious, such an industrious people, should be subjected to such a cursed anarchy, under pretence of revenue; to such a cursed tyranny, under the pretence of government!

But Jagger Deo Sing was unfit for his office.—How dared you to appoint a man unfit for his office?—O, it signified little, without their having a constitution.—Why did you destroy the official constitution that existed before? How dared you to destroy those establishments which enabled the people to dig wells and to cultivate the country like a garden, and then to leave the whole in the hands of your arbitrary and wicked residents, and their instruments, chosen without the least idea of government, and without the least idea of protection? God has sometimes converted wickedness into madness; and it is to the credit of human reason, that men who are not in some degree mad, are never capable of being in the highest degree wicked. The human faculties and reason are in such cases deranged; and, therefore, this man has been dragged by the just vengeance of providence to make his own madness the discoverer of his own wicked, perfidious, and cursed machinations, in that devoted country.

Think, my lords, of what he says respecting the military. He says, there is no restraining them, that they pillage the country wherever they go. But had not Mr. Hastings himself just before encouraged the military to pillage the country? Did he not make the people's resistance, when the soldiers attempted to pillage them, one of the crimes of Cheit Sing? And who would dare to obstruct the military in their abominable ravages, when they knew that one of the articles of Cheit Sing's impeachment was his having suffered the people of the country, when plundered by these wicked soldiers, to return injury for injury, and blow for blow? When they saw, I say, that these were the things for which Cheit Sing was sacrificed, there was manifestly nothing left for them but flight. What! fly from a governor-general? You would expect he was bearing to the country, upon his balmy and healing wings, the cure of all its disorders and of all its distress. No; they knew him too well; they knew him to be the destroyer of the country; they knew him to be the destroyer of their sovereign, the destroyer of the persons whom he had appointed to govern under him; they knew that neither governor, sub-governor, nor subject, could enjoy a moment's security while he possessed supreme power. This was the state of the country; and this the Commons of England call upon your lordships to avenge.

Let us now see what is next done by the prisoner at your bar. He is satisfied with simply removing from his office Jagger Deo Sing, who is accused by him of all these corruptions and oppressions; the other poor unfortunate man, who was not even accused of malversations in such a degree, and against whom not one of the accusations of oppression was regularly proved; but who had, in Mr. Hastings's eye, the one unpardonable fault of not having been made richer by his crimes, was twice imprisoned, and finally perished in prison. But we have never heard one word of the imprisonment of Jagger Deo Sing, who, I believe, after some mock inquiry, was acquitted.

Here, my lords, I must beg you to recollect Mr. Hastings's proceeding with Gunga Govin Sing; and to contrast his conduct towards these two peculators with his proceeding towards Durbedgy Sing. Such a comparison will let your lordships into the secret of one of the prisoner's motives of conduct upon such occasions. When you will find a man pillaging and desolating a country, in the manner Jagger Deo Sing is described by Mr. Hastings to have done, but who takes care to secure to himself the spoil, you will likewise find that such a man is safe, secure, unpunished. Your lordships will recollect the desolation of Dinagepore. You will recollect that the rapacious Gunga Govin Sing, (the coadjutor of Mr. Hastings in peculation,) out of £80,000, which he had received on the company's account, retained £40,000 for his own use; and that instead of being turned out of his employment, and treated with rigor and cruelty, he was elevated in Mr. Hastings's grace and favor, and never called upon for the restoration of a penny. Observe, my lords, the difference in his treatment of men who have wealth to purchase impunity, or who have secrets to reveal, and of another who has no such merit, and is poor and insolvent.

We have shown your lordships the effects of Mr. Hastings's government upon the country and its inhabitants; and although I have before suggested to you some of its effects upon the army of the company, I will now call your attention to a few other observations on that subject. Your lordships will, in the first place, be pleased to attend to the character which he gives of this army. You have heard what he tells you of the state of the country in which it was stationed, and of the terror which it struck into the inhabitants. The appearance of an English soldier was enough to strike the country people with affright and dismay. They, every where, he tells you, fled before them, and yet they are the officers of this very army, who are brought here as witnesses to express the general satisfaction of the people of India. To be sure a man who never calls Englishmen to an

account for any robbery or injury whatever; who acquits them, upon their good intentions, without any inquiry, will in return for this indemnity have their good words. We are not surprised to find them coming with emulation to your bar, to declare him possessed of all virtues; and that no body has or can have a right to complain of him. But we, my lords, protest against these indemnities. We protest against their good words. We protest against their testimonials; and we insist upon your lordships trying him, not upon what this or that officer says of his good conduct, but upon the proved result of the actions tried before you. Without ascribing, perhaps, much guilt to men who must naturally wish to favor the person who covers their excesses,—who suffers their fortunes to be made, you will know what value to set upon their testimony. The Commons look on those testimonies with the greatest slight, and they consider as nothing all evidence given by persons, who are interested in the very cause; persons who derive their fortunes from the ruin of the very people of the country, and who have divided the spoils with the man whom we accuse. Undoubtedly these officers will give him their good word. Undoubtedly the residents will give him their good word. Mr. Markham and Mr. Benn, and Mr. Fowke, if he had been called; every servant of the company, except some few, will give him the same good word, every one of them; because, my lords, they have made their fortunes under him, and their conduct has not been inquired into.

But to return to the observations we were making upon the ruinous effects, in general, of the successive governments which had been established at Benares, by the prisoner at your bar. These effects, he would have you believe, arose from the want of a constitution. Why, I again ask, did he destroy the constitution, which he found established there, or suffer it to be destroyed? But he had actually authorized Mr. Markham to make a new, a regular, an official constitution. Did Mr. Markham make it? No; though he professed

to do it, it never was done; and so far from there being any regular, able, efficient constitution, you see there was an absolute and complete anarchy in the country. The native inhabitants, deprived of their ancient government, were so far from looking up to their new masters for protection, that the moment they saw the face of a soldier or of a British person in authority they fled in dismay, and thought it more eligible to abandon their houses to robbery, than to remain exposed to the tyranny of a British governor. Is this what they call British dominion? Will you sanction, by your judicial authority, transactions done in direct defiance of your legislative authority? Are they so injuriously mad as to suppose your lordships can be corrupted to betray in your judicial capacity, (the most sacred of the two,) what you have ordained in your legislative character?

My lords, I am next to remind you, what this man has had the insolence and audacity to state at your bar. "In fact," says he, "I can adduce very many gentlemen now in London, to confirm my assertions, that the countries of Benares and Gauzepore, were never, within the memory of Englishmen, so well protected, so peaceably governed, or more industriously cultivated than at the present moment."

Your lordships know, that this report of Mr. Hastings, which has been read, was made in the year 1784. Your lordships know, that no step was taken, while Mr. Hastings remained in India, for the regulation and management of the country. If there was, let it be shown. There was no constitution framed, nor any other means taken for the settlement of the country, except the appointment of Ajit Sing in the room of Durbedgy Sing, to reign like him, and like him to be turned out. Mr. Hastings left India, in February, 1785, he arrived here, as I believe, in June, or July following. Our proceedings against him commenced in the sessions of 1786; and this defence was given, I believe, in the year 1787. Yet, at that time, when he could hardly have received any account from India, he was ready he says to produce the

evidence (and no doubt might have done so) of many gentlemen, whose depositions would have directly contradicted what he had himself deposed of the state in which he, so short a time before, had left the country. Your lordships cannot suppose that it could have recovered its prosperity within that time. We know you may destroy that in a day which will take up years to build. We know a tyrant can in a moment ruin and oppress, but you cannot restore the dead to life: you cannot in a moment restore fields to cultivation: you cannot, as you please, make the people, in a moment, restore old or dig new wells; and yet Mr. Hastings dared to say to the Commons that he would produce persons to refute the account which we had fresh from himself. We will, however, undertake to show you, that the direct contrary was the fact.

I will first refer you to Mr. Barlow's account of the state of trade. Your lordships will there find a full exposure of the total falsehood of the prisonor's assertions. You will find that Mr. Hastings himself had been obliged to give orders for the change of almost every one of the regulations he had made; your lordships may there see the madness and folly of tyranny attempting to regulate trade. In the printed minutes, page 2830, your lordships will see how completely Mr. Hastings had ruined the trade of the country. You will find, that, wherever he pretended to redress the grievances which he had occasioned, he did not take care to have any one part of his pretended redress executed. When you consider the anarchy in which he states the country through which he passed to have been, you may easily conceive, that regulations for the protection of trade, without the means of enforcing them, must be nugatory.

Mr. Barlow was sent, in the years 1786 and 1787, to examine into the state of the country. He has stated the effect of all those regulations, which Mr. Hastings has had the assurance to represent here as prodigies of wisdom. At the very time when our charge was brought to this House, (it is

a remarkable period, and we desire your lordships to advert to it,) at that time—I do not know whether it was not on the very same day that we brought our charge to your bar, Mr. Duncan was sent by Lord Cornwallis to examine into the state of that province. Now, my lords, you have Mr. Duncan's report before you, and you will judge whether or not, by any regulation which Mr. Hastings had made, or whether, through *any* means used by him, that country had recovered, or was recovering. Your lordships will there find other proofs of the audacious falsehood of his representation, that all which he had done had operated on the minds of the inhabitants very greatly in favor of British integrity and good government. Mr. Duncan's report will not only enable you to decide upon what he has said himself; it will likewise enable you to judge of the credit which is due to the gentlemen now in London, whom he can produce to confirm his assertions, that the country of Benares and Gauzepore were never, within the memory of Englishmen, so well protected and cultivated as at the present moment.

Instead, therefore, of a speech from me, you shall hear what the country says itself, by the report of the last commissioner who was sent to examine it by Lord Cornwallis. The perfect credibility of his testimony, Mr. Hastings has established out of Lord Cornwallis's mouth; who, being asked the character of Mr. Jonathan Duncan, has declared, that there is nothing he can report of the state of the country, to which you ought not to give credit. Your lordships will now see how deep the wounds are which tyranny and arbitrary power must make in a country where their existence is suffered; and you will be pleased to observe, that this statement was made at a time when Mr. Hastings was amusing us with *his* account of Benares.

Extract of the proceedings of the resident at Benares, under date the 16*th February*, 1788, *at the pergunnah of Gurrah Dehmah, &c.; printed minutes, page* 2610.

"THE resident having arrived in this pergunnah of Gurrah Dehmah, from that of Mohammedabad, is very sorry to observe, that it seems about one third at least uncultivated, owing to the mismanagement of the few last years. The rajah however promises, that it shall be by next year in a complete state of cultivation; and Tobarck Hossaine, his aumeen, aumil, or agent, professes his confidence of the same happy effects, saying, that he has already brought a great proportion of the land, that lay fallow when he came into the pergunnah in the beginning of the year, into cultivation; and that it being equally the rajah's directions, and his own wish, he does not doubt of being successful in regard to the remaining part of the waste land."

Report, dated the 18*th of February, at the pergunnah of Bulleah.*

"THE resident having come yesterday into this pergunnah, from that of Gurrah Dehmah, finds its appearance much superior to that pergunnah, in point of cultivation; yet it is on the decline so far, that its collectable jumma will not be so much this year as it was last; notwithstanding all the efforts of Reazel Husn, the agent of Khulb Ali Khân, who has farmed this pergunnah upon a three years' lease, (of which the present is the last,) during which his, that is, the head farmer's, management cannot be applauded, as the funds of the pergunnah are very considerably declined in his hands; indeed Reazel Husn declares, that this year there was little or no khereof, or first harvest, in the pergunnah; and that it has been merely by the greatest exertions that he has prevailed on the ryots to cultivate the rubby crop which is now on the ground, and seems plentiful."

Report dated the 20th of February, at the pergunnah of Khereed.

"THE resident, having this day come into the pergunnah of Khereed, finds that part of it laying between the frontiers of Bulleah, the present station, and Bansdeah, (which is one of the tuppahs or subdivisions of Khereed,) exceedingly wasted and uncultivated. The said tuppah is subfarmed by Gobind Ram, from Kulub Ali Bey, and Gobind Ram has again under-rented it to the zemindars."

Report dated the 23d February, at the pergunnah of Sekunderpoor.

"THE resident is set out for Sekunderpoor, and is sorry to observe, that for about six or seven coss that he had further to pass through the pergunnah of Kereebs, the whole appeared one continued waste as far as the eye could reach, on both sides of the road. The pergunnah Sekunderpoor, beginning about a coss before he reached the village, an old fort of that name, appeared to a little more advantage, but even here the crops seem very scanty, and the ground more than half fallow."

Extract of the proceedings of the resident at Benares, under date the 26th February, at the pergunnah of Sekunderpoor.

"THE resident now leaves Sekunderpoor to proceed to Nurgurah, the head cutcherry of the pergunnah. He is sorry to observe, that during the whole way between these two places, which are at the distance of six coss or twelve miles from each other, not above twenty fields of cultivated ground are to be seen, all the rest being, as far as the eye can reach, except just in the vicinity of Nuggeha, one general *waste of long* grass, with here and there some straggling

jungly trees. This falling off in the cultivation is said to have happened in the course of but a few years, that is since the late rajah's expulsion.

Your lordships will observe, the date of the ruin of this country, is the expulsion of Cheit Sing.

Extract of the proceedings of the resident at Benares, under date the 27th February, at the pergunnah of Sekunderpoor.

"THE resident meant to have proceeded from this place to Cossimabad, but understanding that the village of Ressenda, the capital of the pergunnah of Susknesser, is situated at three coss distance, and that many Rhardarry collections are there exacted, the zemindars and ryots being, it seems, all one body of Rajepoots, who affect to hold themselves in some sort independent of the rajah's government, paying only a mohurrery of fixed jumma, (which it may be supposed is not over-rated,) and managing their inferior concerns as they think fit; the resident thought it proper on this report to deviate a little from his intended route, by proceeding this day to Ressenda, where he accordingly arrived in the afternoon; and the remaining part of the country near the road through Sekunderpoor, from Nuggurha to Seundah appearing nearly equally waste with the former part, as already noticed in the proceedings of the 26th instant.

"The rajah is therefore desired to appoint a person to bring those waste lands into cultivation, in like manner as he has done in Khereed, with this difference or addition in his instructions, that he subjoin in those to the Aband Kar or manager of the recultivation of Sekunderpoor, the rates at which he is authorized to grant pottahs, for the various kinds of land; and it is recommended to him, to make these rates even somewhat lower than he may himself think strictly conformable to justice, reporting the particulars to the resident.

"The rajah is also desired to prepare and transmit a table of similar rates to the Abaud Kar, of pergunnah Khereed.

"(signed) *Jon*^{n} *Duncan*,

"Benares, "Resident."

"the 12th September, 1788."

Here your lordships find, in spite of Mr. Hastings himself, in spite of all the testimonies which he has called, and of all the other testimonies which he would have called, that his own account of the matter is confirmed against his own pretended evidence; you find his own written account confirmed in a manner not to be doubted; and the only difference between his account and this is, that the people did not fly from Mr. Duncan when he approached, as they fled from Mr. Hastings. They did not feel any of that terror at the approach of a person from the beneficient government of Lord Cornwallis, with which they had been entirely filled at the appearance of the prisoner at your bar. From him they fled in dismay. They fled from his very presence as from a consuming pestilence, as from something far worse than drought and famine; they fled from him as a cruel, corrupt, and arbitrary governor, which is worse than any other evil that ever afflicted mankind.

You see, my lords, in what manner the country has been wasted and destroyed; and you have seen by the date of these measures, that they have happened within a few years, namely, since the expulsion of rajah Cheit Sing. There begins the era of calamity. Ask yourselves then, whether you will or can countenance the acts which led directly and necessarily to such consequences? Your lordships will mark what it is to oppress and expel a cherished individual from his government, and finally to subvert it. Nothing stands after him; down go all order and authority with him; ruin and desolation fall upon the country; the fields are uncultivated, the wells are dried up. The people, says Mr. Duncan, *promised indeed*, some time or other, under some other gov-

ernment, to do something. They will again cultivate the lands, when they can get assurance of security. My lords, judge, I pray you, whether the House of Commons, when they had read the account which Mr. Hastings has himself given of the dreadful consequences of his proceedings, when they had read the account given by Mr. Duncan, of an uncultivated country as far as the eye could reach, would not have shown themselves unworthy to represent not only the Commons of Great Britain, but the meanest village in it, if they had not brought this great criminal before you, and called upon your lordships to punish him. This ruined country, its desolate fields, and its undone inhabitants, all call for vengeance upon the head of this execrable criminal.

Oh! but we ought to be tender towards his personal character; extremely cautious in our speech; we ought not to let indignation loose. My lords, we do let our indignation loose. We cannot bear with patience this affliction of mankind. We will neither abate our energy, relax in our feelings, nor in the expressions which those feelings dictate. Nothing but corruption like his own could enable any man to see such a scene of desolation and ruin unmoved. We feel pity for the works of God and man; we feel horror for the debasement of human nature; and feeling thus, we give a loose to our indignation, and call upon your lordships for justice.

Strange as it may appear to your lordships, there remains to be stated an aggravation of his crimes, and of his victims' misery. Would you consider it possible, my lords, that there could be an aggravation of such a case as you have heard? Would you think it possible for a people to suffer more than the inhabitants of Benares have suffered, from the noble possessor of the splendid mansion down to the miserable tenants of the cottage and the hut? Yes, there is a state of misery, a state of degradation far below all that you have yet heard. It is, my lords, that these miserable people should come to your lordships' bar, and declare, that they have

never felt one of those grievances of which they complain; that not one of those petitions, with which they pursued Mr. Hastings, had a word of truth in it; that they felt nothing under his government but ease, tranquillity, joy, and happiness; that every day during his government was a festival, and every night an illumination and rejoicing. The addresses which contain these expressions of satisfaction have been produced at your bar, and have been read to your lordships. You must have heard with disgust, at least, these flowers of oriental rehetoric, penned at ease by dirty hireling moonshees at Calcutta, who make these people put their seals, not to declarations of their ruin, but to expressions of their satisfaction. You have heard what he himself says of the country; you have heard what Mr. Duncan says of it; you have heared the cries of the country itself calling for justice upon him; and now, my lords, hear what he has made these people say. "We have heard that the gentlemen in England are displeased with Mr. Hastings, on suspicion that he oppressed us, the inhabitants of this place;—took our money by deceit and force, and ruined the country." They then declare solemnly before God, according to their different religions, that Mr. Hastings "distributed protection and security to religion, and kindness and peace to all. He is free," (say they,) "from the charge of embezzlement and fraud, and his heart is void of covetousness and avidity. During the period of his government, no one ever experienced from him other than protection and justice, never having felt hardships from him; nor did the poor ever know the weight of an oppressive hand from him. Our characters and reputation have been always guarded in quiet from attack, by the vigilance of his prudence and foresight, and by the terror of his justice."

Upon my word, my lords, the paragraphs are delightful. Observe, in this translation from the Persian, there is all the fluency of an English paragraph well preserved. All I can say is, that these people of Benares feel their joy, comfort, and

satisfaction, in swearing to the falseness of Mr. Hastings's representation against himself. In spite of his own testimony, they say, "He secured happiness and joy to us. He re-established the foundation of justice; and we at all times during his government lived in comfort and passed our days in peace." The shame of England, and of the English government, is here put upon your lordships records. Here you have, just following that afflicting report of Mr. Duncan's, and that account of Mr. Hastings himself, in which he said the inhabitants fled before his face, the addresses of these miserable people. He dares to impose upon your eyesight—upon your common sense—upon the plain faculties of mankind. He dares, in contradiction to all his own assertions, to make these people come forward and swear, that they have enjoyed nothing but complete satisfaction and pleasure, during the whole time of his government.

My lords, I have done with this business, for I have now reached the climax of degradation and suffering, after moving step by step through the several stages of tyranny and oppression. I have done with it, and have only to ask in what country do we live, where such a scene can by any possibility be offered to the public eye!

Let us here, my lords, make a pause.—You have seen what Benares was under its native government. You have seen the condition in which it was left by Cheit Sing, and you have seen the state in which Mr. Hastings left it. The rankling wounds which he has inflicted upon the country, and the degradation to which the inhabitants have been subjected, have been shown to your lordships. You have now to consider, whether or not you will fortify with your sanction, any of the detestable principles upon which the prisoner justifies his enormities.

My lords, we shall next come to another dependent province, when I shall illustrate to your lordships still further, the effects of Mr. Hastings's principles. I allude to the province of Oude; a country, which, before our acquaintance

with it, was in the same happy and flourishing condition with Benares; and which dates its period of decline and misery from the time of our intermeddling with it. The nabob of Oude was reduced, as Cheit Sing was, to be a dependant on the company; and to be a greater dependant than Cheit Sing, because it was reserved in Cheit Sing's agreement, that we should not interfere in his government. We interfered in every part of the nabob's government; we reduced his authority to nothing; we introduced a perfect scene of anarchy and confusion into the country, where there was no authority but to rob and destroy.

I have not strength at present to proceed; but I hope I shall soon be enabled to do so. Your lordships cannot, I am sure, calculate from your own youth and strength; for I have done the best I can, and find myself incapable just at this moment of going any further.

[Adjourned.]

TRIAL.

THURSDAY, 5TH JUNE, 1794.

FOURTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—When I last had the honor of addressing your lordships from this place, my want of strength obliged me to conclude where the patience of a people, and the prosperity of a country, subjected by solemn treaties to British government, had concluded. We have left behind us the inhabitants of Benares; after having seen them driven into rebellion by tyranny and oppression, and their country desolated by our misrule. Your lordships, I am sure, have had the map of India before you, and know that the country so destroyed and so desolated, was about one-fifth of the size of England and Wales, in geographical extent, and equal in population to about a fourth. Upon this scale you will judge of the mischief which has been done.

My lords, we are now come to another devoted province: we march from desolation to desolation; because we follow the steps of Warren Hastings, Esq., governor-general of Bengal. You will here find the range of his atrocities widely extended. But before I enter into a detail of them, I have one reflection to make, which I beseech your lordships to bear in mind throughout the whole of this deliberation. It is this; you ought never to conclude that a man must necessarily be obnoxious, because he is, in other respects, insignifi-

cant. You will see that a man, bred in obscure, vulgar, and ignoble occupations, and trained in sordid, base, and mercenary habits, is not incapable of doing extensive mischief, because he is little, because his vices are of a mean nature. My lords, we have shown to you already, and we shall demonstrate to you more clearly in future, that such minds placed in authority can do more mischief to a country, can treat all ranks and distinctions with more pride, insolence, and arrogance, than those who have been born under canopies of state and swaddled in purple: you will see, that they can waste a country more effectually than the proudest and most mighty conquerors, who by the greatness of their military talents have first subdued and afterwards plundered nations.

The prisoner's counsel have thought proper to entertain your lordships, and to defend their client, by comparing him with the men who are said to have erected a pyramid of ninety thousand human heads. Now, look back, my lords, to Benares; consider the extent of country laid waste and desolated and its immense population, and then see whether famine may not destroy as well as the sword; and whether this man is not as well entitled to erect his pyramid of ninety thousand heads, as any terrific tyrant of the East. We follow him now to another theatre, the territories of the nabob of Oude.

My lords, Oude, (together with the additions made to it by Sujah Dowlah,) in point of geographical extent, is about the size of England. Sujah Dowlah, who possessed this country as nabob, was a prince of a haughty character; ferocious in a high degree towards his enemies, and towards all those who resisted his will. He was magnificent in his expenses, yet economical with regard to his resources; maintaining his court in a pomp and splendor, which is perhaps unknown to the sovereigns of Europe. At the same time he was such an economist, that from an inconsiderable revenue, at the beginning of his reign, he was annually enabled to make great savings. He thus preserved, towards the end of it, his people

in peace, tranquillity, and order; and though he was an arbitrary prince, he never strained his revenue to such a degree as to lose their affections, while he filled his exchequer. Such appears to have been the true character of Sujah Dowlah; your lordships have heard what is the character which the prisoner at your bar and his counsel have thought proper to give you of him.

Surely, my lord, the situation of the great, as well as of the lower ranks in that country, must be a subject of melancholy reflection to every man. Your lordships' compassion will, I presume, lead you to feel for the lowest; and I hope that your sympathetic dignity will make you consider in what manner the princes of this country are treated. They have not only been treated at your lordships' bar, with indignity by the prisoner, but his counsel do not leave their ancestors to rest quietly in their graves. They have slandered their families, and have gone into scandalous history, that has no foundation in facts whatever.

Your lordships have seen how he attempted to slander the ancestors of Cheit Sing, to deny that they were zemindars; and yet he must have known from printed books, taken from the company's records, the utter falsity of his declaration. You need only look into Mr. Verelst's Appendix, and there you will see that that country has always been called, the zemindary of Bulwant Sing. You will find him always called the zemindar; it was the known acknowledged name, till this gentleman thought proper at the bar of the House of Commons to deny that he was a zemindar, and to assert that he was only an aumil. He slanders the pedigree of this man as mean and base, yet he was not ashamed to take from him £23,000; in like manner he takes from Azoph ul Dowlah £100,000, which he would have appropriated to himself, and then directs his counsel to rake up the slander of *Dow's* History, a book of no authority; a book that no man values in any respect or degree. In this book they find that romantic, absurd, and ridiculous story, upon which an honorable

fellow manager of mine, who is much more capable than I am of doing justice to the subject, has commented with his usual ability; I allude to that story of spitting on the beard; the mutual compact to poison one another. That Arabian tale, fit only to form a ridiculous tragedy, has been gravely mentioned to your lordships, for the purpose of slandering the pedigree of this vizier of Oude, and making him vile in your lordships' eyes. My honorble friend has exposed to you the absurdity of these stories, but he has not shown you the malice of their propagators. The prisoner and his counsel have referred to Dow's History, who calls this nabob, "the more infamous son of an infamous Persian pedlar." They wish that your lordships should consider him as a person vilely born, ignominiously educated, and practising a mean trade; in order that, when it shall be proved, that he and his family were treated with every kind of indignity and contempt by the prisoner at your bar, the sympathy of mankind should be weakened. Consider, my lords, the monstrous perfidy and ingratitude of this man, who after receiving great favors from the nabob, is not satisfied with oppressing his offspring, but goes back to his ancestors, tears them out of their graves, and vilifies them with slanderous aspersions. My lords, the ancestor of Sujah Dowlah was a great prince; certainly a subordinate prince, because he was a servant of the Great Mogul, who was well called, King of Kings, for he had in his service persons of high degree. He was born in Persia; but was not, as is falsely said, *the more infamous son of an infamous Persian pedlar.* Your lordships are not unacquainted with the state and history of India; you therefore know that Persia has been the nursery of all the Mahomedan nobility of India; almost every thing in that country, which is not of Gentoo origin, is of Persian; so much so that the Persian language is the language of the court, and of every office from the highest to the lowest. Among these noble Persians, the family of the nabob stands in the highest degree. His father's ancestors were of noble descent, and

those of his mother, Munny Begum, more eminently and more illustriously so. This distinguished family, on no better authority than that of the historian Dow, has been slandered by the prisoner at your bar, in order to destroy the character of those whom he had already robbed of their substance. Your lordships will have observed with disgust, how the Dows and the Hastingses, and the whole of that tribe, treat their superiors; in what insolent language they speak of them, and with what pride and indignity they trample upon the first names and the first characters in that devoted country.

But supposing it perfectly true, that this man was "the more infamous son of an infamous Persian pedlar:" he had risen to be the secondary sovereign of that country. He had a revenue of £3,600,000 sterling; a vast and immense revenue; equal perhaps to the clear revenue of the king of England. He maintained an army of one hundred and twenty thousand men. He had a splendid court, and his country was prosperous and happy. Such was the situation of Sujah Dowlah, the nabob of Oude, and such the condition of Oude under his government. With his pedigree, I believe, your lordships will think, we have nothing to do in the cause now before us. It has been pressed upon us; and this marks the indecency, the rancor, the insolence, the pride, and tyranny, which the Dows and the Hastingses, and the people of that class and character, are in the habit of exercising over the great in India.

My lords, I shall be saved a great deal of trouble in proving to you the flourishing state of Oude, because the prisoner admits it as largely as I could wish to state it; and, what is more, he admits too the truth of our statement of the condition to which it is now reduced; (but I shall not let him off so easily upon this point.) He admits, too, that it was left in this reduced and ruined state at the close of his administration. In his defence he attributes the whole mischief generally to a faulty system of government. My lords, systems

never make mankind happy or unhappy, any further than as they give occasions for wicked men to exercise their own abominable talents, subservient to their own more abominable dispositions. The system, says Mr. Hastings, was bad; but I was not the maker of it. Your lordships have seen him apply this mode of reasoning to Benares, and you will now see that he applies it to Oude. I came, says he, into a bad system; that system was not of my making, but I was obliged to act according to the spirit of it.

Now every honest man would say, I came to a bad system; I had every facility of abusing my power; I had every temptation to peculate; I had every incitement to oppress; I had every means of concealment, by the defects of the system: but I corrected that evil system by the goodness of my administration; by the prudence, the energy, the virtue of my conduct. This is what all the rest of the world would say: but what says Mr. Hastings? A bad system was made to my hands; I had nothing to do in making it. I was altogether an involuntary instrument and obliged to execute every evil which that system contained. This is the line of conduct your lordships are called to decide upon. And I must here again remind you, that we are at an issue of law. Mr. Hastings has avowed a certain set of principles, upon which he acts; and your lordships are therefore to judge whether his acts are justifiable, because he found an evil system to act upon; or whether he and all governors upon earth have not a general good system upon which they ought to act.

The prisoner tells you, my lords, that it was in consequence of this evil system, that the nabob, from being a powerful prince, became reduced to a wretched dependant on the company, and subject to all the evils of that degraded state:—subject to extortion, to indignity, to oppression. All these, your lordships are called upon to sanction; and because they may be connected with an existing system, you are to declare them to be an allowable part of a code for the government of British India.

In the year 1775, that powerful, magnificent, and illustrious prince, Sujah Dowlah, died in possession of the country of Oude. He had long governed a happy and contented people; and if we except the portion of tyranny which we admit he really did exercise towards some few individuals, who resisted his power, he was a wise and beneficent governor. This prince died in the midst of his power and fortune, leaving somewhere about fourscore children. Your lordships know, that the princes of the East have a great number of wives; and we know that these women, though reputed of a secondary rank, are yet of a very high degree, and honorably maintained according to the customs of the East. Sujah Dowlah had but one lawful wife: he had by her but one lawful child, Azoph ul Dowlah. He had about twenty-one male children; the eldest of whom was a person whom you have heard of very often in these proceedings, called Saadit Ali. Azoph ul Dowlah, being the sole legitimate son, had all the pretensions to succeed his father as sabadar of Oude, which could belong to any person under the Mogul government.

Your lordships will distinguish between a zemindar, who is a perpetual landholder, the hereditary proprietor of an estate; and a subadar, who derives from his master's will and pleasure all his employments, and who, instead of having the jaghirdars subject to his supposed arbitrary will, is himself a subject, and must have his sovereign's patent for his place. Therefore, strictly and properly speaking, there is no succession in the office of subadar. At this time the company, who alone could obtain the sunnuds or patent from the Great Mogul, upon account of the power they possessed in India, thought, and thought rightly, that, with an officer who had no hereditary power, there could be no hereditary engagements; and that in their treaty with Azoph ul Dowlah, for whom they had procured the sunnud from the Great Mogul, they were at liberty to propose their own terms, which, if honorable and mutually advantageous to the new subadar and to the company, they had a right to insist upon. A treaty

was therefore concluded between the company and Azoph ul Dowlah, in which the latter stipulated to pay a fixed subsidy for the maintenance of a certain number of troops; by which the company's finances were greatly relieved and their military strength greatly increased.

This treaty did not contain one word which could justify any interference in the nabob's government. That evil system, as Mr. Hastings calls it, is not even mentioned or alluded to; nor is there, I again say, one word which authorized Warren Hastings, or any other person whatever, to interfere in the interior affairs of his country. He was legally constituted viceroy of Oude. His dignity of vizier of the empire, with all the power which that office gave him, derived from and held under the Mogul government, he legally possessed; and this evil system, which, Mr. Hastings says, led him to commit the enormities of which you shall hear by and by, was neither more nor less than what I have now stated.

But, my lords, the prisoner thinks, that when, under any pretence, any sort of means could be furnished of interfering in the government of the country, he has a right to avail himself of them; to use them at his pleasure; and to govern by his own arbitrary will. The vizier, he says, by this treaty was reduced to a state of vassalage; and he makes this curious distinction in proof of it. It was, he says, an optional vassalage, for if he chose to get rid of our troops, he might do so and be free; if he had not a mind to do that and found a benefit in it, then he was a vassal. But there is nothing less true. Here is a person who keeps a subsidiary body of your troops, which he is to pay for you, and in consequence of this Mr. Hastings maintains, that he becomes a vassal. I shall not dispute whether vassalage is optional, or by force, or in what way Mr. Hastings considered this prince as a vassal of the company. Let it be as he pleased. I only think it necessary that your lordships should truly know the actual state of that country, and the ground upon which

Mr. Hastings stood. Your lordships will find it a fairy land, in which there is a perpetual masquerade, where no one thing appears as it really is, where the person who seems to have the authority is a slave, while the person who seems to be the slave has the authority. In that ambiguous government every thing favors fraud; every thing favors peculation; every thing favors violence; every thing favors concealment. You will, therefore, permit me to show to you what were the principles upon which Mr. Hastings appears, according to the evidence before you, to have acted; what the state of the country was, according to his conceptions of it; and then you will see how he applied those principles to that state.

"The means by which our government acquired this influence," says Mr. Hastings, "and its right to exercise it, will require a previous explanation." He then proceeds, "With his death (Sujah Dowlah's) a new political system commenced, and Mr. Bristow was constituted the instrument of its formation, and the trustee for the management of it. The nabob Azoph ul Dowlah was deprived of a large part of his inheritance; I mean the province of Benares, attached by a very feeble and precarious tenure to our dominions; the army fixed to a permanent station in a remote line of his frontier, with an augmented and perpetual subsidy. A new army, amphibiously composed of troops in his service and pay, commanded by English officers of our own nomination, for the defence of his new conquests, and his own natural troops annihilated, or alienated by the insufficiency of his revenue for all his disbursements; and the prior claims of those which our authority or influence commanded: in a word, he became a vassal of the government, but he still possessed an ostensible sovereignty. His titular rank of vizier of the empire rendered him a conspicuous object of view to all the states and chiefs of India; and on the moderation and justice with which the British government in Bengal exercised its influence over him, many points most essential to its political strength and to the honor of the British name depended."

Your lordships see, that the system, which is supposed to have reduced him to vassalage, did not make, as he contends, a violent exercise of our power necessary or proper; but possessing, as the nabob did, that high nominal dignity, and being in that state of vassalage, as Mr. Hastings thought proper to term it, though there is no vassalage mentioned in the treaty; being, I say, in that situation of honor, credit, and character, sovereign of a country as large as England, yielding an immense revenue and flourishing in trade; certainly our honor depended upon the use we made of that influence which our power gave us over him; and we therefore press it upon your lordships, that the conduct of Mr. Hastings was such as dishonored this nation.

He proceeds: "This is not a place, nor have I room in it to prove, what I shall here content myself with affirming, that by a sacred and undeviating observance of every principle of public faith, the British dominion might have by this time acquired the means of its extension, through a virtual submission to its authority, to every region of Hindostan and Decan. I am not sure that I should advise such a design, were it practicable, which at this time it certainly is not, and I very much fear that the limited formation of such equal alliances as might be useful to our present condition, and conduce to its improvement, is become liable to almost insurmountable difficulties; every power in India must wish for the support of ours, but they all dread the connection."

"The subjection of Bengal, and the deprivation of the family of Jaffier Ali Khân, though an effect of inevitable necessity, the present usurpations of the rights of the nabob Wallar Jau in the Carnatic, and the licentious violations of the treaty existing between the company and the nabob Nizam ul Dowlah, though checked by the remedial interposition of this government, stand as terrible precedents against us; the effects of our connection with the nabob Azoph ul Dowlah had a rapid tendency to the same consequences, and it has been my invariable study to prevent it."

Your lordships will remember that the counsel at the bar have said, that they undertook the defence of Warren Hastings not in order to defend him, but to rescue the British character from the imputations which have been laid upon it by the Commons of Great Britain. They have said, that the Commons of Great Britain have slandered their country, and have misrepresented its character; while, on the contrary, the servants of the company have sustained and maintained the dignity of the English character, have kept its public faith inviolate, preserved the people from oppression, reconciled every government to it in India, and have made every person under it prosperous and happy.

My lords, you see what this man says himself, when endeavoring to prove his own innocence. Instead of proving it by the facts alleged by his counsel, he declares, that, by preserving good faith, you might have conquered India, the most glorious conquest that was ever made in the world; that all the people want our assistance, but dread our connection. Why? Because our whole conduct has been one perpetual tissue of perfidy and breach of faith, with every person who has been in alliance with us, in any mode whatever; here is the man himself, who says it. Can we bear that this man should now stand up in this place as the asserter of the honor of the British nation against us, who charge this dishonor to have fallen upon us, by him, through him, and during his government?

But all the mischief, he goes on to assert, was in the previous system, in the formation of which he had no share; the system of 1775, when the first treaty with the nabob was made. "That system," says he, "is not mine, it was made by General Clavering, Colonel Monson, and Mr. Francis." So it was, my lords. It did them very great honor; and I believe it ever will do them honor, in the eyes of the British nation, that they took an opportunity, without the violation of faith, without the breach of any one treaty, and without injury to any person, to do great and eminent services to the

company; but Mr. Hastings disclaims it, unnecessarily disclaims it, for no one charges him with it. What we charge him with, is the abuse of that system. To one of these abuses I will now call your lordships' attention. Finding, soon after his appointment to the office of governor-general, that the nabob was likely to get into debt, he turns him into a vassal, and resolves to treat him as such. You will observe that this is not the only instance in which, upon a failure of payment, the defaulter becomes directly a vassal. You remember how Durbedgy Sing, the moment he fell into an arrear of tribute, became a vassal, and was thrown into prison, without any inquiry into the causes which occasioned that arrear. With respect to the nabob of Oude, we assert, and can prove, that his revenue was £3,600,000 at the day of his father's death; and if the revenue fell off afterwards, there was abundant reason to believe that he possessed in abundance the means of paying the company every farthing. Before I quit this subject, your lordships will again permit me to reprobate the malicious insinuations by which Mr. Hastings has thought proper to slander the virtuous persons who are the authors of that system, which he complains of. They are men whose characters this country will ever respect, honor, and revere, both the living and the dead; the dead for the living, and the living for the dead. They will altogether be revered for a conduct honorable and glorious to Great Britain; whilst their names stand, as they now do, unspotted by the least imputation of oppression, breach of faith, perjury, bribery, or any other fraud whatever. I know there was a faction formed against them, upon that very account. Be corrupt, you have friends; stem the torrent of corruption, you open a thousand venal mouths against you. Men resolved to do their duty must be content to suffer such opprobrium, and I am content; in the name of the living and of the dead, and in the name of the Commons, I glory in our having appointed some good servants, at least, to India.

But to proceed. "This system was not," says he, "of my

making." You would then naturally imagine that the persons, who made this abominable system, had also made some tyrannous use of it. Let us see what use they made of it during the time of their majority in the council. There was an arrear of subsidy due from the nabob. How it came into arrear, we shall consider hereafter. The nabob proposed to pay it by taxing the jaghires of his family, and taking some money from the begum. This was consented to by Mr. Bristow, at that time resident for the company in Oude; and to this arrangement Azoph ul Dowlah and his advisers lent a willing ear. What did Mr. Hastings then say of this transaction? He called it a violent assumption of power on the part of the council. He did not, you see, then allow that a bad system justified any persons whatever in an abuse of it. He contended that it was a violent attack upon the rights and property of the parties from whom the money was to be taken; that it had no ground or foundation in justice whatever, and that it was contrary to every principle of right and equity.

Your lordships will please to bear in mind, that afterwards, by his own consent, and the consent of the rest of the council, this business was compromised between the son, the mother, and their relations. A very great sum of money, which was most useful to the company at that period, was raised by a family compact and arrangement among themselves. This proceeding was sanctioned by the company, Mr. Hastings himself consenting; and a pledge was given to the begums and family of the nabob, that this should be the last demand made upon them, that it should be considered not as taken compulsively, but as a friendly and amicable donation. They never admitted, nor did the nabob ever contend, that he had any right at all to take this money from them. At that time, it was not Mr. Hastings's opinion, that the badness of the system would justify any violence as a consequence of it; and when the advancement of the money was agreed to between the parties, as a family and amicable

compact, he was as ready as any body to propose and sanction a regular treaty between the parties, that all claims on one side, and all kind of uneasiness on the other, should cease for ever, under the guardianship of British faith.

Mr. Hastings, as your lordships remember, has conceded that British faith is the support of the British empire; that if that empire is to be maintained, it is to be maintained by good faith; that if it is to be propagated, it is to be propagated by public faith; and that if the British empire falls, it will be through perfidy and violence. These are the principles which he assumes when he chooses to reproach others. But when he has to defend his own perfidy and breaches of faith, then, as your lordships will find set forth in his defence before the House of Commons on the Benares charge, he denies, or at least questions the validity of any treaty, that can at present be made with India. He declares, that he considers all treaties as being weakened by a considerable degree of doubt respecting their validity and their binding force, in such a state of things as exists in India.

Whatever was done, during that period of time to which I have alluded, by the majority of the council, Mr. Hastings considered himself as having nothing to do with, on the plea of his being a disentient member: a principle, which, like other principles, I shall take some notice of by and by. Colonel Monson and General Clavering died soon after, and Mr. Hastings obtained a majority in the council, and was then, as he calls it, restored to his authority; so that any evil that could be done by evil men, under that evil system, could have lasted but for a very short time indeed. From that moment Mr. Hastings, in my opinion, became responsible for every act done in council while he was there, which he did not resist; and for every engagement which he did not oppose. For your lordships will not bear that miserable jargon, which you have heard, shameful to office and to official authority, that a man, when he happens not to find himself in a majority upon any measure, may think himself excusable for the total

neglect of his dnty; that in such a situation he is not bound to propose any thing that it might be proper to propose, or to resist any thing that it might be proper to resist. What would be the inference from such an assumption? That he can never act in a commission; that unless a man has the supreme power, he is not responsible for any thing he does or neglects to do. This is another principle which your lordships will see constantly asserted, and constantly referred to by Mr. Hastings. Now I do contend, that notwithstanding his having been in a minority, if there was any thing to be done that could prevent oppressive consequences, he was bound to do that thing; and that he was bound to propose every possible remedial measure. This proud, rebellious proposition against the law, that any one individual in the council may say that he is responsible for nothing, because he is not the whole council, calls for your lordships' strongest reprobation.

I must now beg leave to observe to you, that the treaty was made (and I wish your lordships to advert to dates) in the year 1775. Mr. Hastings acquired the majority, in something more than a year afterwards; and therefore, supposing the acts of the former majority to have been ever so iniquitous, their power lasted but a short time. From the year 1776 to 1784, Mr. Hastings had the whole government of Oude in himself, by having the majority in the council. My lords, it is no offence, that a governor-general, or any body else, has the majority in the council. To have the government in himself is no offence. Neither was it any offence, if you please, that the nabob was virtually a vassal to the company, as he contends he was; for the question is not what a governor-general *may* do, but what Warren Hastings did do. He who has a majority in council, and records his own acts there, may justify these acts as legal; I mean the mode is legal. But as he executes whatever he proposes as governor-general, he is solely responsible for the *nature* of the acts themselves.

I shall now show your lordships, that Mr. Hastings, finding, as he states, the nabob to be made, by the treaty in 1775, eventually a vassal to the company, has thought proper to make him a vassal to himself, for his own private purposes. Your lordships will see what corrupt and iniquitous purposes they were. In the first place, in order to annihilate in effect the council, and to take wholly from them their control in the affairs of Oude, he suppressed [your lordships will find the fact proved in your minutes] the Persian correspondence, which was the whole correspondence of Oude. This whole correspondence was secreted by him, and kept from the council. It was never communicated to the Persian translator of the company, Mr. Colebrooke, who had a salary for executing that office. It was secreted and kept in the private cabinet of Mr. Hastings; from the period of 1781 to 1785, no part of it was communicated to the council. There is nothing, as your lordships have often found in this trial, that speaks for the man like himself; — there is nothing will speak for his conduct like the records of the company.

"Fort William, 19th February, 1785.

"*At a Council; present, the honorable John Macpherson, Esq., Governor-General, President, and John Stables, Esq.*

"The Persian translator attending, in obedience to the board's orders, reports, that since the end of the year 1781, there have been no books of correspondence kept in his office; because from that time until the late governor-general's departure, he was employed but once by the governor-general to manage the correspondence, during a short visit which Major Davy, the military Persian interpreter, paid by the governor's order to Lucknow. That during that whole period of three years, he remained entirely ignorant of the correspondence, as he was applied to on no occasion, except for a few papers sometimes sent to him by the secretaries, which he always returned to them as soon as translated.

"The Persian translator has received from Mr. Scott, since the late governor-general's departure, a trunk containing English drafts and translations, and the Persian originals of letters and papers, with three books in the Persian language, containing copies of letters, written between August, 1782, and January, 1785; and if the board should please to order the secretaries of the general department to furnish him with copies of all translations and drafts recorded in their consultations, between the 1st of January, 1782, and the 31st of January, 1785, he thinks that he should be able, with what he has found in Captain Scott's trunk, to make up the correspondence for that period.

(signed) "EDWARD COLEBROOKE,
Persian Translator."

Hear then, my lords, what becomes of the records of the company, which were to be the vouchers for every public act, which were to show whether, in the company's transactions, agreements and treaties with the native powers, the public faith was kept or not. You see them all crammed into Mr. Scott's trunk; a trunk into which they put what they please, take out what they please, suppress what they please, or thrust in whatever will answer their purpose. The records of the governor-general and council of Bengal are kept in Captain Jonathan Scott's trunk; this trunk is to be considered as the real and true channel of intelligence between the company and the country powers; but even this channel was not open to any member of the council, except Mr. Hastings; and when the council, for the first time, daring to think for themselves, call upon the Persian translator, he knows nothing about it. We find that it is given into the hands of a person nominated by Mr. Hastings, Major Davy. What do the company know of him? Why, he was Mr. Hastings's private secretary. In this manner the council have been annihilated during all these transactions, and have no other knowledge of them than just what Mr. Hastings

and his trunk-keeper thought proper to give them. All then, that we know of these transactions, is from this miserable, imperfect, garbled correspondence.

But even if these papers contained a full and faithful account of the correspondence, what we charge is its not being delivered to the council as it occured from time to time. Mr. Hastings kept the whole government of Oude in his own hands, so that the council had no power of judging his acts, of checking, controlling, advising or remonstrating. It was totally annihilated by him; aud we charge, as an act of treason and rebellion against the act of parliament by which he held his office, his depriving the council of their legitimate authority, by shutting them out from the knowledge of all affairs, except indeed when he thought it expedient, for his own justification, to have their nominal concurrence, or subsequent acquiescence in any of his more violent measures.

Your lordships see Mr. Hastings's system, a system of concealment, a system of turning the vassals of the company into his own vassals, to make them contributory not to the company, but to himself. He has avowed this system in Benares; he has avowed it in Oude. It was his constant practice. Your lordships see in Oude, he kept a correspondence with Mr. Markham for years, and did alone all the material acts which ought to have been done in council. He delegated a power to Mr. Markham, which he had not to delegate; and you will see he has done the same in every part of India.

We first charge him, not only with acting without authority, but with a strong presumption, founded on his concealment, of intending to act mischievously. We next charge his concealing and withdrawing correspondence as being directly contrary to the orders of the court of directors, the practice of his office, and the very nature and existence of the council in which he was appointed to preside. We charge this as a substantive crime, and as the forerunner of the oppression, desolation, and ruin of that miserable country.

Mr. Hastings having thus rendered the council blind and

ignorant, and consequently fit for subserviency, what does he next do? I am speaking not with regard to the time of his particular acts, but with regard to the general spirit of the proceedings. He next flies in the face of the company, upon the same principle on which he removed Mr. Fowke from Benares. "I removed *him* on political grounds," says he, "against the orders of the court of directors, because I thought it necessary that the resident should be a man of my own nomination and confidence." At Oude, he proceeds on the same principle. Mr. Bristow had been nominated to the office of resident by the court of directors. Mr. Hastings, by an act of parliament, was ordered to obey the court of directors. He positively refuses to receive Mr. Bristow, for no other reason, that we know of, but because he was nominated by the court of directors; he defies the court, and declares in effect that they shall not govern that province, but that he will govern it by a resident of his own.

Your lordships will mark his progress in the establishment of that new system, which, he says, he had been obliged to adopt by the evil system of his predecessors. First, he annihilates the council, formed by an act of parliament, and by order of the court of directors. In the second place, he defies the order of the court, who had the undoubted nomination of all their own servants, and who ordered him, under the severest injunction, to appoint Mr. Bristow to the office of resident in Oude. He for some time refused to nominate Mr. Bristow to that office; and even when he was forced, against his will, to permit him for a while to be there, he sent Mr. Middleton and Mr. Johnson, who annihilated Mr. Bristow's authority so completely, that no one public act passed through his hands.

After he had ended this conflict with the directors, and had entirely shook off their authority, he resolved that the native powers should know that they were not to look to the court of directors, but to look to his arbitrary will in all things; and therefore, to the astonishment of the world, and, as if it

were, designedly, to expose the nakedness of the parliament of Great Britain, to expose the nakedness of the laws of Great Britain, and the nakedness of the authority of the court of directors to the country powers, he wrote a letter, which your lordships will find in page 795 of the printed minutes. In this letter, the secret of his government is discovered to the country powers. They are given to understand, that whatever exaction, whatever oppression or ruin they may suffer, they are to look no where for relief, but to him. Not to the council, not to the court of directors, not to the sovereign authority of Great Britain, but to him and him only.

Before we proceed to this letter, we will first read to you the minute of council, by which he dismissed Mr. Bristow, upon a former occasion, (it is in page 507 of the printed minutes,) that your lordships may see his audacious defiance of the laws of the country. We wish, I say, before we show you the horrible and fatal effects of this his defiance, to impress continually upon your lordships' minds, that this man is to be tried by the laws of the country; and that it is not in his power to annihilate their authority, and the authority of his masters. We insist upon it, that every man under the authority of this country, is bound to obey its laws. This minute relates to his first removal of Mr. Bristow. I read it in order to show, that he dared to defy the court of directors, so early as the year 1776. "Resolved, that Mr. John Bristow be recalled to the presidency, from the court of the nabob of Oude, and that Mr. Nathaniel Middleton be restored to the appointment of resident at that court, subject to the orders and authority of the governor-general and council, conformably to the motion of the governor-general." I will next read to your lordships, the orders of the directors for his reinstatement, on the 4th of July, 1777. "Upon the most careful perusal of your proceedings, upon the 2d of December, 1776, relative to the recall of Mr. Bristow from the court of the nabob of Oude, and the appointment of Mr. Nathaniel Middleton to that station; we must declare our

strongest disapprobation of the whole of that transaction. We observe, that the governor-general's motion for the recall of Mr. Bristow includes that for the restoration of Mr. Nathaniel Middleton; but as neither of those measures appear to us necessary or even justifiable, they cannot receive our approbation.

"With respect to Mr. Bristow, we find no shadow of charge against him; it appears that he has executed his trust to the entire satisfaction, even of those members of the council who did not concur in his appointment. You have unanimously recommended him to our notice—attention to your recommendation has induced us to afford him marks of our favor, and to reannex the emoluments affixed by you to his appointment, which had been discontinued by our order; and as we must be of opinion, that a person of acknowledged abilities, whose conduct has thus gained him the esteem of his superiors, ought not to be degraded without just cause, we do not hesitate to interpose in his behalf; and therefore direct, that Mr. Bristow do forthwith return to his station of resident at Oude, from which he has been so improperly removed."

Upon the receipt of these orders, by the council, Mr. Francis, then a member of the council, moves, "That, in obedience to the company's orders, Mr. Bristow be forthwith appointed and directed to return to his station of resident at Oude; and that Mr. Purling be ordered to deliver over the charge of the office to Mr. Bristow immediately on his arrival, and return himself forthwith to the presidency. Also that the governor-general be requested to furnish Mr. Bristow with the usual letter of credence to the nabob vizier."

Upon this motion being made, Mr. Hastings entered the following minute. "I will ask, who is Mr. Bristow, that a member of the administration should at such a time hold him forth as an instrument for the degradation of the first executive member of this government. What are the professed objects of his appointment? What are the merits and ser-

vices, or what the qualifications, which entitle him to such an uncommon distinction? Is it for his superior integrity or for his eminent abilities, that he is to be dignified at such hazards of every consideration, that ought to influence members of this administration? Of the former, I know no proofs; I am sure that it is not an evidence of it, that he has been enabled to make himself the principal in such a competition; and for the test of his abilities, I appeal to the letter which he has dared to write to this board, and which I am ashamed to say, we have suffered. I desire that a copy of it may be inserted in this day's proceedings, that it may stand before the eyes of every member of the board, when he shall give his vote upon a question for giving their confidence to a man, their servant, who has publicly insulted them, his masters, and the members of the government, to whom he owes his obedience; who assuming an association with the court of directors, and erecting himself into a tribunal, has arraigned them for disobedience of orders, passed judgment upon them, and condemned or acquitted them as their magistrate and superior. Let the board consider, whether a man possessed of so independent a spirit, who has already shown such a contempt of their authority, who has shown himself so wretched an advocate for his own cause, and negotiator for his own interest, is fit to be trusted with the guardianship of their honor, the execution of their measures, and as their confidential manager and negotiator with the princes of India."

My lords, you here see an instance of what I have before stated to your lordships, and what I shall take the liberty of recommending to your constant consideration. You see that a tyrant and a rebel is one and the same thing. You see this man, at the very time that he is a direct rebel to the company, arbitrarily and tyrannically displacing Mr. Bristow, although he had previously joined in the approbation of his conduct, and in voting him a pecuniary reward. He is ordered by the court of directors to restore that person,

who desires, in a suppliant, decent, proper tone, that the company's orders should produce their effect, and that the council would have the goodness to restore him to his situation.

My lords, you have seen the audacious insolence, the tyrannical pride, with which he dares to treat this order. You have seen the recorded minute, which he has dared to send to the court of directors; and in this you see that, when he cannot directly asperse a man's conduct, and has nothing to say against it, he maliciously, I should perhaps rather say enviously, insinuates that he had unjustly made his fortune. "You are," says he, "to judge from the independence of his manner and style, whether he could or no have got that without some unjust means." God forbid I should ever be able to invent any thing that can equal the impudence of what this man dares to write to his superiors, or the insolent style in which he dares to treat persons who are not his servants.

Who made the servants of the company the master of the servants of the company? The court of directors are their fellow servants; they are all the servants of this kingdom. Still the claim of a fellow servant to hold an office, which the court of directors had legally appointed him to, is considered by this audacious tyrant as an insult to him. By this you may judge how he treats not only the servants of the company, but the natives of the country, and by what means he has brought them into that abject state of servitude, in which they are ready to do any thing he wishes, and to sign any thing he dictates. I must again beg your lordships to remark, what this man has had the folly and impudence to place upon the records of the council of which he was president; and I will venture to assert, that so extraordinary a performance never before appeared on the records of any court, Eastern or European. Because Mr. Bristow claims an office, which is his right and his freehold as long as the company chooses, Mr. Hastings accuses him of being an accomplice with the court of directors in a conspiracy against him; and because, after long delays, he had presented an humble

petition to have the court of directors' orders in his favor carried into execution, "he says, he has erected himself into a tribunal of justice; that he has arraigned the council for disobedience of orders, passed judgment upon them, and condemned or acquitted them as their magistrate and superior."

Let us suppose his majesty to have been pleased to appoint any one to an office in the gift of the crown, what should we think of the person whose business it was to execute the king's commands, if he should say to the person appointed, when he claimed his office, you shall not have it, you assume to be my superior, and you disgrace and dishonor me. Good God! my lords, where was this language learned; in what country, and in what barbarous nation of Hottentots was this jargon picked up? For there is no Eastern court that I ever heard of, (and I believe I have been as conversant with the manners and customs of the East as most persons, whose business has not directly led them into that country,) where such conduct would have been tolerated. A bashaw, if he should be ordered by the Grand Seignor, to invest another with his office, puts the letter upon his head, and obedience immediately follows.

But the obedience of a barbarous magistrate should not be compared to the obedience which a British subject owes to the laws of his country. Mr. Hastings receives an order, which he should have instantly obeyed. He is reminded of this by the person, who suffers from his disobedience; and this proves that person to be possessed of too independent a spirit. Aye, my lords, here is the grievance—no man can dare show in India an independent spirit. It is this, and not his having shown such a contempt of their authority, not his having shown himself so wretched an advocate for his own cause, and so bad a negotiator for his own interest, that makes him unfit to be trusted with the guardianship of their honor, the execution of their measures, and to be their confidential manager and negotiator with the princes of India.

But, my lords, what is this want of skill, which Mr. Bris-

tow has shown in negotiating his own affairs? Mr. Hastings will inform us. He should have pocketed the letter of the court of directors; he should never have made the least mention of it; he should have come to my banyan, Cantoo Baboo; he should have offered him a bribe upon the occasion. That would have been the way to succeed with me, who am a public spirited taker of bribes and nuzzeers. But this base fool—this man, who is but a vile negotiator for his own interest, has dared to accept the patronage of the court of directors. He should have secured the protection of Cantoo Baboo, their more efficient rival. This would have been the skilful mode of doing the business. But this man, it seems had not only shown himself an unskilful negotiator;—he had likewise afforded evidence of his want of integrity. And what is this evidence? His having "enabled himself to become the *principal* in such a competition." That is to say, he had, by his meritorious conduct in the service of his masters, the directors, obtained their approbation and favor, Mr. Hastings then contemptuously adds, "and for the test of his abilities, I appeal to the letter which he has dared to write to the board, and which, I am ashamed to say, we have suffered." Whatever that letter may be, I will venture to say there is not a word or syllable in it that tastes of such insolence and arbitrariness, with regard to the servants of the company, his fellow servants; of such audacious rebellion, with regard to the laws of his country, as are contained in this minute of Mr. Hastings.

But, my lords, why did he choose to have Mr. Middleton appointed resident? Your lordships have not seen Mr. Bristow. You have only heard of him as a humble suppliant, to have the orders of the company obeyed: but you have seen Mr. Middleton. You know that Mr. Middleton is a good man to keep a secret: I describe him no further. You know what qualifications Mr. Hastings requires in a favorite; you also know why he was turned out of his employment, with the approbation of the court of directors; that it was

principally because, when resident in Oude, he positively, audaciously, and rebelliously refused to lay before the council the correspondence with the country powers. He says he gave it up to Mr. Hastings; whether he has or has not destroyed it we know not; all we know of it is, that it is not found to this hour. We cannot even find Mr. Middleton's trunk, though Mr. Jonathan Scott did at last produce his. The whole of the Persian correspondence, during Mr. Middleton's residence, was refused, as I have said, to the board at Calcutta and to the court of directors; was refused to the legal authorities; and Mr. Middleton, for that very refusal, was again appointed by Mr. Hastings to supersede Mr. Bristow, removed without a pretence of offence; he received, I say, this appointment from Mr. Hastings, as a reward for that servile compliance, by which he dissolved every tie between himself and his legal masters.

The matter being now brought to a simple issue, whether the governor-general is or is not bound to obey his superiors, I shall here leave it with your lordships, and I have only to beg your lordships will remark the course of events as they follow each other; keeping in mind that the prisoner at your bar declared Mr. Bristow to be a man of suspected integrity, on account of his independence, and deficient in ability, because he did not know how best to promote his own interest.

I must here state to your lordships, that it was the duty of the resident to transact the money concerns of the company, as well as its political negotiations; you will now see how Mr. Hastings divided that duty, after he became apprehensive that the court of directors might be inclined to assert their own authority, and to assert it in a proper manner, which they so rarely did. When, therefore, his passion had cooled, when his resentment of those violent indignities, which had been offered to him, namely, the indignity of being put in mind, that he had any superior under heaven, (for I know of no other,) he adopts the expedient of dividing the residency into two offices; he makes a fair compromise between himself and the directors.

He appoints Mr. Middleton to the manangement of the money concerns, and Mr. Bristow to that of the political affairs. Your lordships see, that Mr. Bristow, upon whom he had fixed the disqualification for political affairs, was the very person appointed to that department; and to Mr. Middleton, the man of his confidence, he gives the management of the money transactions. He discovers plainly where his heart was; for where your treasure is, there will your heart be also. This private agent, this stifler of correspondence, a man whose costive retention discovers no secret committed to him, and whose slippery memory is subject to a diarrhœa, which permits every thing he did know to escape; this very man he places in a situation where his talents could only be useful for concealment, and where concealment could only be used to cover fraud; while Mr. Bristow, who was by his official engagement responsible to the company for fair and clear accounts, was appointed superintendent of political affairs, an office for which Mr. Hastings declared he was totally unfit.

My lords, you will judge of the designs which the prisoner had in contemplation, when he dared to commit this act of rebellion against the company; you will see that it could not have been any other than getting the money transactions of Oude into his own hands. The presumption of a corrupt motive is here as strong as, I believe, it possibly can be.

The next point, to which I have to direct your lordships' attention, is that part of the prisoner's conduct in this matter, by which he exposed the nakedness of the company's authority to the native powers. You would imagine that after the first dismissal of Mr. Bristow, Mr. Hastings would have done with him for ever, that nothing could have induced him again to bring forward a man, who had dared to insult him, a man who had shown an independent spirit, a man who had dishonored the council, and insulted his masters, a man of doubtful integrity, and convicted unfitness for office. But, my lords, in the face of all this, he afterwards sends this very man, with undivided authority, into the country as sole resident:

and now, your lordships shall hear, in what manner he accounts for this appointment to Gobind Ram, the vakeel or ambassador of the nabob Azoph ul Dowlah, at Calcutta. It is in page 795 of the printed minutes.

Extract of an Arzee, sent by Rajah Gobind Ram to the Vizier, by the Governor-General's directions, and written the 27th of August, 1782.

"This day the governor-general sent for me in private; after recapitulating the various informations he had received respecting the anarchy and confusion, said to reign throughout your highness's country; and complains that neither your highness, nor Hyder Beg Khân, nor Mr. Middleton, nor Mr. Johnson, ever wrote to him on the state of your affairs, or if he ever received a letter from your presence, it always contained assertions contrary to the above informations; the governor-general proceeded as follows:—That it was his intention to have appointed Mr. David Anderson to attend upon your highness, but that he was still with Scindia, and there was no prospect of his speedy return from his camp; therefore it was now his wish to appoint Mr. John Bristow, who was well experienced in business, to Lucknow. That when Mr. Bristow formerly held the office of resident there, he was not appointed by him; and that notwithstanding he had not shown any instances of disobedience, yet he had deemed it necessary to recall him, because he had been patronized and appointed by gentlemen, who were in opposition to him, and had counteracted and thwarted all his measures; that this had been his reason for recalling Mr. Bristow. That since Mr. Francis's return to Europe, and the arrival of information there of the deaths of the other gentlemen, the king and the company had declared their approbation of his (the governor-general's) conduct, and had conferred upon him the most ample powers; that they had sent out Mr. Macpherson, who was his old and particular friend; and that Mr. Stables, that

was on his way here as a member of the supreme council, was also his particular friend; that Mr. Wheler had received letters from Europe, informing him that the members of the council were enjoined all of them to coöperate and act in conjunction with him, in every measure which should be agreeable to him; and that there was no one in council now, who was not united with him, and consequently that his authority was perfect and complete; that Mr. Bristow, as it was known to me, had returned to Europe; but that during his stay there he had never said any thing disrespectful of him or endeavored to injure him; on the contrary, he had received accounts from Europe, that Mr. Bristow had spoken much in his praise; so that Mr. Bristow's friends had become his friends; that Mr. Bristow had lately been introduced to him by Mr. Macpherson, had explained his past conduct perfectly to his satisfaction, and had requested from him the appointment of Lucknow; and had declared, in the event of his obtaining the appointment, that he should show every mark of attention and obedience to the pleasure of your highness, and his, the governor's; saying that your highness was well pleased with him, and that he knew what you had written formerly, was at the instigation of Mr. Middleton; that in consequence of the foregoing, he, the governor, had determined to have appointed Mr. Bristow to Lucknow, but had postponed his dismission to his office, for the following reasons (videlicet), people at Lucknow might think, that Mr. Bristow had obtained his appointment in consequence of orders from Europe, and contrary to the governor's inclination; but as the contrary was the case, and as he now considered Mr. Bristow as the object of his own particular patronage, therefore he directed me to forward Mr. Bristow's arzee to the presence; and that it was the governor's wish that your highness, on the receipt thereof, would write a letter to him, and, as from yourself, request of him that Mr. Bristow may be appointed to Lucknow, and that you would write an answer to this arzee, expressive of your personal satisfaction on the sub-

ject; the governor concluded with injunctions, that until the arrival of your highness's letter, requesting the appointment of Mr. Bristow, and your answer to this arzee, that I should keep the particulars of this conversation a profound secret, for that the communication of it to any person whatever would not only cause his displeasure, but would throw affairs at Lucknow into great confusion. The preceding is the substance of the governor's directions to me; he afterwards went to Mr. Macpherson's and I attended him; Mr. Bristow was there; the governor took Mr. Bristow's arzee from his hand and delivered it into mine, and thence proceeded to council; Mr. Bristow's arzee, and the following particulars, I transmit and communicate by the governor's directions; and I request that I may be favored with the answer to the arzee, and the letter to the governor, as soon as possible, as his injunctions to me were very particular on the subject."

My lords, I have to observe upon this very extraordinary transaction, that you will see many things in this letter that are curious, and worthy of being taken out of that abyss of secrets, Mr. Scott's trunk, in which this arzee was found. It contains, as far as the prisoner thinks proper to reveal it, the true secret of the transaction. He confesses, first, the state of the vizier's country, as communicated to him in various accounts of the anarchy and confusion said to reign throughout his territories. This was in the year 1782, during the time that the Oude correspondence was not communicated to the conncil.

He next stated, that neither the vizier, nor his minister, nor Mr. Middleton, nor Mr. Johnson, ever wrote to him on the state of affairs. Here then are three or four persons all nominated by himself, every one of them supposed to be in his strictest confidence; the nabob and his vassal, Hyder Beg Khân being, as we shall show afterwards, entirely his dependents; and yet Mr. Hastings declares, that not one of them had done their duty, or had written him one word concerning

the state of the country, and the anarchy and confusion that prevailed in it; and that when the nabob did write, his assertions were contrary to the real state of things. Now this irregular correspondence, which he carried on at Lucknow, and which gave him, as he pretends, this contradictory information, was, as your lordships will see, nothing more nor less than a complete fraud.

Your lordships will next observe, that he tells the vakeel his reason for turning him out was, that he had been patronized by other gentlemen. This was true; but they had a right to patronize him; and they did not patronize him from private motives, but in direct obedience to the order of the court of directors. He then adds the assurance which he had received from Mr. Bristow, that he would be perfectly obedient to him, Mr. Hastings, in future; and he goes on to tell the vakeel, that he knew the vizier was once well pleased with him (Mr. Bristow), and that his formal complaints against him were written at the instigation of Mr. Middleton.

Here is another discovery, my lords. When he recalled Mr. Bristow, he did it under the pretence of its being desired by the nabob of Oude; and that consequently he would not keep at the nabob's court a man that was disagreeable to him. Yet, when the thing comes to be opened, it appears that Mr. Middleton had made the nabob, unwillingly, write a false letter. This subornation of falsehood appears also to have been known to Mr. Hastings. Did he, either as the natural guardian and protector of the reputation of his fellow servants, or as the official administrator of the laws of his country, or as a faithful servant of the company, ever call Mr. Middleton to an account for it? No, never. To every body, therefore, acquainted with the characters and circumstances of the parties concerned, the conclusion will appear evident, that he was himself the author of it; but your lordships will find there is no end of his insolence and duplicity.

He next tells the vakeel, that the reason, why he postponed the mission of Mr. Bristow to Lucknow, was lest the people of Lucknow should think he had obtained his appointment in consequence of orders from Europe, and contrary to the governor's inclination. You see, my lords, he would have the people of the country believe, that they are to receive the person appointed resident not as appointed by the company, but in consequence of his being under Mr. Hastings's particular patronage; and to remove from them any suspicion, that the resident would obey the orders of the court of directors, or any orders but his own, he proceeds in the manner I have read to your lordships.

You see here the whole machinery of the business; he removes Mr. Bristow, contrary to the orders of the court of directors. Why? Because, says he to the court of directors, the nabob complained of him, and desired it. He here says, that he knew the nabob did not desire it, but that the letter of complaint really and substantially was Mr. Middleton's. Lastly, as he recalls Mr. Bristow, so he wishes him to be called back in the same fictitious and fraudulent manner. This system of fraud proves that there is not one letter from that country, not one act of this vizier, not one act of his ministers, not one act of his ambassadors, but what is false and fraudulent. And now think, my lords, first of the slavery of the company's servants subjected in this manner to the arbitrary will and corrupt frauds of Mr. Hastings! Next think of the situation of the princes of the country, obliged to complain without matter of complaint; to approve without satisfaction, and to have all their correspondence fabricated by Mr. Hastings at Calcutta!

But, my lords, it was not indignities of this kind alone that the native princes suffered from this system of fraud and duplicity. Their more essential interests and those of the people were involved in it; it pervaded and poisoned the whole mass of their internal government.

Who was the instrument employed in all this double deal-

ing? Gobind Ram, the vizier's diplomatic minister at Calcutta. Suspicions perpetually arise in his mind, whether he is not cheated and imposed upon. He could never tell when he had Mr. Hastings fixed upon any point. He now finds him recommending Mr. Middleton, and then declaring that Mr. Middleton neglects the duty of his office, and gives him, Gobind Ram, information that is fraudulent, and directly contrary to the truth. He is let into various contradictory secrets, and becomes acquainted with innumerable frauds, falsehoods, and prevarications. He knew that the whole pretended government of Oude was from beginning to end a deception; that it was an imposture for the purpose of corruption and peculation. Such was the situation of the nabob's vakeel. The nabob himself was really at a loss to know who had and who had not the governor's confidence; whether he was acting in obedience to the orders of the court of directors, or whether their orders were not always to be disobeyed. He thus writes to Gobind Ram, who was exactly in the same uncertainty.

"As to the commands of Mr. Hastings, which you write on the subject of the distraction of the country, and the want of information from me, and his wishes that, as Mr. John Bristow has shown sincere wishes and attachment to Mr. Hastings, I should write for him to send Mr. John Bristow; it would have been proper and necessary for you privately to have understood what were Mr. Hastings's real intentions. Whether the choice of sending Mr. John Bristow was his own desire, or whether it was in compliance with Mr. Macpherson's; that I might then have written conformably thereto; writings are now sent to you for both cases. Having privately understood the wishes of Mr. Hastings, deliver whichever of the writings he should order you, for I study Mr. Hastings's satisfaction; whoever is his friend is mine, and whoever is his enemy is mine; but in both these cases, my wishes are the same; that having consented to the paper of questions which Major Davy carried with him, and hav-

ing given me the authority of the country, whomever he may afterwards appoint, I am satisfied; I am now brought to great distress by these gentlemen, who ruin me; in case of consent, I am contented with Majors Davy and Palmer. Hereafter, whatever may be Mr. Hastings's desire, it is best."

Here is a poor, miserable instrument, confessing himself to be such, ruined by Mr. Hastings's public agents, Mr. Middleton and Mr. Johnson; ruined by his private agents, Major Davy and Major Palmer; ruined equally by them all; and at last declaring in a tone of despair, "If you have a mind really to keep Major Davy and Major Palmer here, why I must consent to it. Do what you please with me; I am your creature; for God's sake, let me have a little rest."

Your lordships shall next hear what account Hyder Beg Khân, the vizier's prime minister, gives of the situation in which he and his master were placed.

Extract of a Letter from Hyder Beg Khân; received 21*st April*, 1785.

"I hope that such orders and commands as relate to the friendship between his highness and the company's governments and to your will, may be sent through Major Palmer, in your own private letters, or in your letters to the major, who is appointed from you at the presence of his highness, that, in obedience to your orders, he may properly explain your commands, and whatever affair may be settled, he may first secretly inform you of it; and afterwards his highness may, conformably thereto, write an answer, and I also may represent it. By this system, your pleasure will always be fully made known to his highness, and his highness and we will execute whatever may be your orders, without deviating a hair's breadth; and let not the representations of interested persons be approved of, because his highness makes no opposition to your will; and I, your servant, am ready in obedience and service, and I make no excuses."

Now, my lords, was there ever such a discovery made of the arcana of any public theatre? You see here behind the ostensible scenery all the crooked working of the machinery developed, and laid open to the world. You now see by what secret movement the master of the mechanism has conducted the great Indian opera, an opera of fraud, deceptions, and harlequin tricks. You have it all laid open before you. The ostensible scene is drawn aside; it has vanished from your sight. All the strutting signors, and all the soft signoras, are gone; and instead of a brilliant spectacle of descending chariots, gods, goddesses, sun, moon, and stars, you have nothing to gaze on but sticks, wire, ropes, and machinery. You find the appearance all false and fraudulent; and you see the whole trick at once. All this, my lords, we owe to Major Scott's trunk, which, by admitting us behind the scene, has enabled us to discover the real state of Mr. Hastings's government in India. And can your lordships believe, that all this mechanism of fraud, prevarication, and falsehood, could have been intended for any purpose but to forward that robbery, corruption, and peculation, by which Mr. Hastings has destroyed one of the finest countries upon earth! Is it necessary, after this, for me to tell you, that you are not to believe one word of the correspondence stated by him to have been received from India? This discovery goes to the whole matter of the whole government of the country. You have seen what that government was, and by and by you shall see the effects of it.

Your lordships have now seen this trunk of Mr. Scott's producing the effects of Aladdin's lamp; of which your lordships may read in books much more worthy of credit than Mr. Hastings's correspondence. I have given all the credit of this precious discovery to Mr. Scott's trunk; but, my lords, I find that I have to ask pardon for a mistake, in supposing the letter of Hyder Beg Khân to be a part of Mr. Hastings's correspondence. It comes from another quarter, not much less singular, and equally authentic and unimpeachable. But

though it is not from the trunk, it smells of the trunk; it smells of the leather. I was as proud of my imaginary discovery as Sancho Pancha was, that one of his ancestors had discovered a taste of iron in some wine; and another a taste of leather in the same wine; and that afterwards there was found in the cask a little key tied to a thong of leather, which had given to the wine a taste of both. Now, whether this letter tasted of the leather of the trunk, or of the iron of Mr. Macpherson, I confess, I was a little out in my suggestion and my taste. The letter in question was written by Hyder Beg Khân, after Mr. Hastings's departure, to Mr. Macpherson when he succeeded to the government. That gentleman thus got possession of a key to the trunk, and it appears to have been his intentions to follow the steps of his predecessor, to act exactly in the same manner, and in the same manner to make the nabob the instrument of his own ruin.

This letter was written by the nabob's minister to Sir John Macpherson, newly inaugurated into his government, and who might be supposed not to be acquainted with all the best of Mr. Hastings's secrets, nor to have had all the trunk correspondence put into his hands. However, here is a trunk extraordinary, and its contents are much in the manner of the other. The nabob's minister acquaints him with the whole secret of the system. It is plain that the nabob considered it as a system not to be altered; that there was to be nothing true, nothing above board, nothing open in the government of his affairs. When you thus see that there can be little doubt of the true nature of the government, I am sure, that hereafter, when we come to consider the effects of that government, it will clear up, and bring home to the prisoner at your bar, all we shall have to say upon this subject.

Mr. Hastings having thrown off completely the authority of the company, as you have seen;—having trampled upon those of their servants, who had manifested any symptom of independence, or who considered the orders of the directors as a rule of their conduct;—having brought every English-

man under his yoke ; and made them supple and fit instruments for all his designs ; then gave it to be understood, that such alone were fit persons to be employed in important affairs of state. Consider, my lords, the effect of this upon the whole service. Not one man, that appears to pay any regard to the authority of the directors, is to expect that any regard will be paid to himself. So that this man not only rebels himself in his own person against the authority of the company ; but he makes all their servants join him in this very rebellion. Think, my lords, of this state of things ; and I wish it never to pass from your minds, that I have called him the captain general of the whole host of actors in Indian iniquity, under whom that host was arrayed, disciplined, and paid. This language which I used was not, as fools have thought proper to call it, offensive and abusive ; it is in a proper criminatory tone justified by the facts that I have stated to you ; and in every step we take, it is justified more and more. I take it as a text, upon which I mean to preach ; I take it as a text, which I wish to have in your lordships' memory from the beginning to the end of this proceeding. He is not only guilty of iniquity himself, but is at the head of a system of iniquity and rebellion ; and will not suffer, with impunity, any one honest man to exist in India if he can help it. Every mark of obedience to the legal authority of the company is by him condemned ; and if there is any virtue remaining in India, as I think there is, it is not his fault that it still exists there.

We have shown you the servile obedience of the natives of the country ; we have shown you the miserable situation to which a great prince, at least a person who was the other day a great prince, was reduced by Mr. Hastings's system. We shall next show you that this prince, who, unfortunately for himself, became a dependant on the company, and thereby subjected to the will of an arbitrary government, is made by him the instrument of his own degradation, the instrument of his (the governor's) falsehoods ; the instrument of

his peculations—and that he had been subjected to all this degradation for the purposes of the most odious tyranny, violence, and corruption.

Mr. Hastings, having assumed the government to himself, soon made Oude a private domain. It had, to be sure, a public name, but it was to all practical intents and purposes his park or his warren; a place, as it were, for game; whence he drew out or killed at an earlier or later season, as he thought fit, any thing he liked, and brought it to his table according as it served his purpose. Before I proceed, it will not be improper for me to remind your lordships of the legitimate ends to which all controlling and superintending power ought to be directed. Whether a man acquires this power by law or by usurpation, there are certain duties attached to his station. Let us now see what these duties are.

The first is to take care of that vital principle of every state, its revenue. The next is to preserve the magistracy and legal authorities, in honor, respect, and force. And the third to preserve the property, movable, and immovable, of all the people committed to his charge.

In regard to his first duty, the protection of the revenue; your lordships will find that from three millions and upwards, which I stated to be the revenue of Oude, and which Mr. Hastings, I believe, or any body for him, has never thought proper to deny—it sunk under his management to about 1,440,000: and even this, Mr. Middleton says, (as you may see in your minutes,) was not completely realized. Thus my lords, you see, that one half of the whole revenue of the country was lost after it came into Mr. Hastings's management. Well, but it may perhaps be said this was owing to the nabob's own imprudence. No such thing, my lords; it could not be so; for the whole *real* administration and government of the country was in the hands of Mr. Hastings's agents, public or private.

To let you see how provident Mr. Hastings's management of it was, I shall produce to your lordships one of the prin-

ipal manœuvres that he adopted for the improvement of the evenue and for the happiness and prosperity of the country, he latter of which will always go along, more or less, with he first.

The nabob, whose acts your lordships have now learned to appreciate as no other than the acts of Mr. Hastings, writes to the council to have a body of British officers for the purposes of improving the discipline of his troops, collecting his revenues, and repressing disorder and outrage among his subjects. This proposal was ostensibly fair and proper; and if I had been in the council at that time, and the nabob had really and bonâ fide made such a request, I should have said he had taken a very reasonable and judicious step, and that the company ought to aid him in his design.

Among the officers sent to Oude, in consequence of this requisition, was the well known Colonel Hannay; a man whose name will be bitterly and long remembered in India. This person, we understand, had been recommended to Mr. Hastings by Sir Elijah Impey; and his appointment was the natural consequence of such patronage. I say the natural consequence, because Sir Elijah Impey appears on your minutes to have been Mr. Hastings's private agent and negotiator in Oude. In that light, and in that light only, I consider Colonel Hannay in this business. We cannot prove that he was not of Mr. Hastings's own nomination originally and primarily; but whether we take him in this way, or as recommended by Sir Elijah Impey, or any body else, Mr. Hastings is equally responsible.

Colonel Hannay is sent up by Mr. Hastings, and has the command of a brigade, of two regiments I think, given to him. Thus far all is apparently fair and easily understood; but in this country we find every thing in masquerade and disguise. We find this man, instead of being an officer, farmed the revenue of the country, as is proved by Colonel Lumsden and other gentlemen, who were his sub-farmers and his assistants. Here, my lords, we have a man, who appeared

to have been sent up the country as a commander of troops, agreeably to the nabob's request; and who, upon our inquiry, we discover to have been farmer general of the country! We discover this with surprise; and I believe till our inquiries began it was unknown in Europe. We have, however, proved upon your lordships's minutes, by an evidence produced by Mr. Hastings himself, that Colonel Hannay was actually farmer-general of the countries of Barratch and Gurruckpore. We have proved upon your minutes that Colonel Hannay was the only person possessed of power in the country; that there was no magistrate in it, nor any admimistration of the law whatever. We have proved to your lordships that, in his character of farmer-general, he availed himself of the influence derived from commanding a battalion of soldiers; in short, we have proved that the whole power, civil, military, municipal, and financial, resided in him; and we further refer your lordships to Mr. Lumsden and Mr. Halhed, for the authority which he possessed in that country. Your lordships, I am sure, will supply with your diligence what is defective, in my statement; I have therefore, taken the liberty of indicating to you where you are to find the evidence to which I refer. You will there, my lords, find this Colonel Hannay in a false character—he is ostensibly given to the nabob as a commander of his troops; while in reality he is forced upon that prince as his farmer-general. He is invested with the whole command of the country, while the sovereign is unable to control him, or to prevent his extorting from the people whatever he pleases.

If we are asked what the terms of his farm were;—we cannot discover that he farmed the country at any certain sum. We cannot discover that he was subjected to any terms, or confined by any limitations. Armed with arbitrary power, and exercising that power under a false title, his exactions from the poor natives were only limited by his own pleasure. Under these circumstances, we are now to ask what there was to prevent him from robbing and ruining the

people ; and what security against his robbing the exchequer of the person whose revenue he farmed ?

You are told by the witnesses in the clearest manner, and, after what you have heard of the state of Oude, you cannot doubt the fact, that nobody, not even the nabob, dared to complain against him ; that he was considered as a man authorized and supported by the power of the British government ; and it is proved in the evidence before you that he vexed and harassed the country to the utmost extent which we have stated in our article of charge, and which you would naturally expect from a man acting under such false names with such real powers. We have proved that from some of the principal zemindars in that country, who held farms let to them for 27,000 rupees a year, a rent of 60,000 was demanded, and in some cases enforced ; and that upon the refusal of one of them to comply with this demand, he was driven out of the country.

Your lordships will find in the evidence before you, that the inhabitants of the country were not only harassed in their fortunes, but cruelly treated in their persons. You have it upon Mr. Halhed's evidence, and it is not attempted, that I know of, to be contradicted, that the people were confined in open cages exposed to the scorching heat of the sun, for pretended or real arrears of rent ; it is indifferent which, because I consider all confinement of the person to support an arbitrary exaction, to be an abomination not to be tolerated. They have endeavored, indeed, to weaken this evidence by an attempt to prove that a man, day and night in confinement in an open cage, suffers no inconvenience. And here I must beg your lordships to observe the extreme unwillingness that appears in these witnesses. Their testimony is drawn from them drop by drop, their answers to our questions are never more than yes or no ; but when they are examined by the counsel on the other side, it flows as freely as if drawn from a perennial spring ; and such a spring we have in Indian corruption. We have, however, proved, that in these cages

the renters were confined, till they could be lodged in the dungeons or mud forts. We have proved that some of them were obliged to sell their children; that others fled the country, and that these practices were carried to such an awful extent, that Colonel Hannay was under the necessity of issuing orders against the unnatural sale and flight which his rapacity had occasioned. The prisoner's counsel have attempted to prove that this had been a common practice in that country—and though possibly some person as wicked as Colonel Hannay might have been there before at some time or other, no man ever sold his children, but under the pressnre of some cruel exaction. Nature calls out against it. The love that God has implanted in the heart of parents towards their children is the first germ of that second conjunction, which he has ordered to subsist between them and the rest of mankind. It is the first formation and first bond of society. It is stronger than all laws; for it is the law of nature, which is the law of God. Never did a man sell his children, who was able to maintain them. It is therefore not only a proof of his exactions, but a decisive proof that these exactions were intolerable.

Next to the love of parents for their children, the strongest instinct both natural and moral, that exists in man, is the love of his country:—an instinct indeed, which extends even to the brute creation. All creatures love their offspring; next to that they love their homes; they have a fondness for the place where they have been bred, for the habitations they have dwelt in, for the stalls in which they have been fed, the pastures they have browsed in, and the wilds in which they have roamed. We all know that the natal soil has a sweetness in it beyond the harmony of verse. This instinct, I say, that binds all creatures to their country, never becomes inert in us, nor ever suffers us to want a memory of it. Those, therefore, who seek to fly their country, can only wish to fly from oppression; and what other proof can you want of this oppression, when, as a witness has told you, Colonel

Hannay was obliged to put bars and guards to confine the inhabitants within the country? We have seen, therefore, nature violated in its strongest principles. We have seen unlimited and arbitrary exaction avowed on no pretence of any law, rule, or any fixed mode by which these people were to be dealt with. All these facts have been proved before your lordships, by costive and unwilling witnesses. In consequence of these violent and cruel oppressions, a general rebellion breaks out in the country, as was naturally to be expected. The inhabitants rise as if by common consent; every farmer, every proprietor of land, every man who loved his family and his country, and had not fled for refuge, rose in rebellion, as they call it. My lords, they did rebel; it was a just rebellion. Insurrection was there just and legal, inasmuch as Colonel Hannay, in defiance of the laws and rights of the people, exercised a clandestine, illegal authority, against which there can be no rebellion in its proper sense.

As a rebellion, however, and as a rebellion of the most unprovoked kind, it was treated by Colonel Hannay; and to one instance of the means taken for suppressing it, as proved by evidence before your lordships, I will just beg leave to call your attention. One hundred and fifty of the inhabitants had been shut up in one of the mud forts I have mentioned; the people of the country, in their rage, attacked the fort, and demanded the prisoners; they called for their brothers, their fathers, their husbands, who were confined there. It was attacked by the joint assault of men and women. The man who commanded in the fort immediately cut off the heads of eighteen of the principal prisoners, and tossed them over the battlements to the assailants. There happened to be a prisoner in the fort, a man loved and respected in his country, and who, whether justly or unjustly, was honored and much esteemed by all the people. "Give us our rajah, Mustapha Khân," (that was the name of the man confined,) cried out the assailants. We asked the witness at your bar, what he was confined for; he did not know,

but he said that Colonel Hannay had confined him, and added that he was sentenced to death. We desired to see the futwa or decree of the judge who sentenced him; no; no such thing, nor any evidence of its having existed, could be produced. We desired to know whether he could give any account of the process, any account of the magistrate, any account of the accuser, any account of the defence; in short, whether he could give any account whatever of this man's being condemned to death. He could give no account of it, but the orders of Colonel Hannay, who seems to have imprisoned and condemned him by his own arbitrary will. Upon the demand of rajah Mustapha, by the insurgents, being made known to Colonel Hannay, he sends an order to the commander of the fort, a man already stained with the blood of all the people who were murdered there, that if he had not executed Mustapha Khân, he should execute him immediately. The man is staggered at the order, and refuses to execute it, as not being directly addressed to him.

Colonel Hannay then sends a Captain Williams, who has appeared here as an evidence at your bar, and who, together with Captain Gordon and Major Macdonald, both witnesses also here, were all sub-farmers and actors under Colonel Hannay. This Captain Williams, I say, goes there, and without asking one of those questions which I put to the witness at your bar, and desiring nothing but Colonel Hannay's word, orders the man to be beheaded; and accordingly he was beheaded, agreeably to the orders of Colonel Hannay. Upon this, the rebellion blazed out with tenfold fury, and the people declared they would be revenged for the destruction of their zemindar.

Your lordships have now seen this Mustapha Khân imprisoned, and sentenced to death by Colonel Hannay, without judge and without accuser, without any evidence, without the futwa or any sentence of the law. This man is thus put to death by an arbitrary villain, by a more than cruel *tyrant,* Colonel Hannay, the substitute of a ten thousand *times* more cruel tyrant, Mr. Hastings.

In this situation was the country of Oude, under Colonel Hannay, when he was removed from it. The knowledge of his misconduct had before induced the miserable nabob to make an effort to get rid of him; but Mr. Hastings had repressed that effort by a civil reprimand, telling him indeed at the same time, "I do not force you to receive him." (Indeed the nabob's situation had in it force enough.) The nabob, I say was forced to receive him; and again he ravages and destroys that devoted country, till the time of which I have been just speaking; when he was driven out of it finally by the rebellion, and, as you may imagine, departed like a leech full of blood.

It is stated in evidence upon your minutes, that this bloated leech went back to Calcutta, that he was supposed from a state of debt, (in which he was known to have been when he left that city,) to have returned from Oude, with the handsome sum of £300,000, of which £80,000 was in gold mohurs. This is declared to be the universal opinion in India, and no man has ever contradicted it. Ten persons have given evidence to that effect, not one has contradicted it from that hour to this, that I ever heard of. The man is now no more. Whether his family have the whole of the plunder or not; what partnership there was in this business; what shares, what dividends were made, and who got them; —about all this public opinion varied, and we can with certainty affirm nothing;—but there ended the life and exploits of Colonel Hannay, farmer general, civil officer, and military commander of Burratch and Gurruckpore. But not so ended Mr. Hastings's proceedings.

Soon after the return of Colonel Hannay to Calcutta, this miserable nabob received intelligence, which concurrent public fame supported, that Mr. Hastings meant to send him up into the country again on a second expedition; probably with some such order as this—you have sucked blood enough for yourself, now try what you can do for your neighbors. The nabob was not likely to be misinformed. His friend and

agent, Gobind Ram, was at Calcutta, and had constant access to all Mr. Hastings's people. Mr. Hastings himself tells you what instructions these vakeels always have to search into and discover all his transactions. This Gobind Ram, alarmed with strong apprehensions, and struck with horror at the very idea of such an event, apprized his master of his belief, that Mr. Hastings meant to send Colonel Hannay again into the country. Judge now, my lords, what Colonel Hannay must have been, from the declaration which I will now read to you, extorted from that miserable slave, the nabob, who thus addresses Mr. Hastings:

"My country and house belong to you; there is no difference. I hope that you desire in your heart the good of my concerns. Colonel Hannay is inclined to request your permission to be employed in the affairs of this quarter. If by any means any matter of this country dependant on me should be entrusted to the Colonel, I swear by the holy Prophet, that I will not remain here, but will go from hence to you. From your kindness let no concern dependant on me be entrusted to the Colonel; and oblige me by a speedy answer, which may set my mind at ease." We know very well that the prisoner at your bar denied his having any intention to send him up. We cannot prove them, but we maintain that there were grounds for the strongest suspicions that he entertained such intentions; he cannot deny the reality of this terror, which existed in the minds of the nabob and his people, under the apprehension that he was to be sent up, which plainly showed that they, at least, considered there was ground enough for charging him with that intention. What reason was there to think that he should not be sent a third time, who had been sent twice before? Certainly none, because every circumstance of Mr. Hastings's proceedings was systematical, and perfectly well known at Oude.

But suppose it to have been a false report;—it shows all that the managers wish to show, the extreme terror which these creatures and tools of Mr. Hastings struck into the

eople of that country. His denial of any intention of again ending Colonel Hannay does not disprove either the justness f their suspicions, or the existence of the terror which his ery name excited.

My lords, I shall now call your attention to a part of the vidence which we have produced, to prove the terrible effects f Colonel Hannay's operations. Captain Edwards, an unainted man, who tells you that he had passed through that ountry, again and again describes it as bearing all the marks f savage desolation. Mr. Holt says, it has fallen from its ormer state; that whole towns and villages were no longer eopled, and that the country carried evident marks of famne. One would have thought that Colonel Hannay's cruelty nd depredations would have satiated Mr. Hastings. No. He finds another military collector, a Major Osborne, who, having suffered in his preferment by the sentence of a court martial, whether justly or unjustly I neither know nor care, was appointed to the command of a thousand men, in the provinces of Oude; but really, to the administration of the revenues of the country. He administered them much in the same manner as Colonel Hannay had done. He, however, transmitted to the government at Calcutta, a partial representation of the state of the provinces, the substance of which was, that the natives were exposed to every kind of peculation, and that the country was in a horrible state of confusion and disorder. This is upon the company's records; and although not produced in evidence, your lordships may find it, for it has been printed over and over again. This man went up to the vizier; in consequence of whose complaint, and the renewed cries of the people, Mr. Hastings was soon obliged to recall him.

But, my lords, let us go from Major Osborne to the rest of these military purveyors of revenue. Your lordships shall hear the vizier's own account of what he suffered from British officers, and into what a state Mr. Hastings brought that country, by the agency of officers who, under the pre-

tence of defending it, were invested with powers which enabled them to commit most horrible abuses in the administration of the revenue, the collection of customs, and the monopoly of the markets.

Copy of a Letter from the Nabob Vizier to the Governor-general.

"All the officers stationed with the brigade at Cawnpore, Futtyghur, Darunghur and Furrackabad, and other places, write purwannas, and give positive orders to the aumils of these places, respecting the grain, &c.; from which conduct the country will become depopulated. I am hopeful from your friendship, that you will write to all these gentlemen not to issue orders, &c. to the aumils, and not to send troops into the mahals of the sircar; and for whatever quantity of grain, &c. they may want, they will inform me and the resident, and we will write it to the aumils, who shall cause it to be sent them every month, and I will deduct the price of them from the tuncahs; this will be agreeable both to me and to the ryots."

A copy of a subsequent Letter from the Vizier to Rajah Gobind Ram.

"I some time ago wrote you the particulars of the conduct of the officers, and now write them again. The officers and gentlemen who are at Cawnpore, and Futtyghur, and Darunghur, and other places, by different means act very tyrannically and oppressively towards the aumils and ryots, and inhabitants; and to whomsoever that requires a dustuck, they give it, with their own seal affixed, and send for the aumils and punish them. If they say any thing, the gentlemen make use of but two words; one—*that is for the brigade*, and the second—*that is to administer justice.* The particulars of it is this, that the bipparies will bring their

grain from all quarters, and sell for their livelihood. There is at present no war to occasion a necessity for sending for it. If none comes, whatever quantity will be necessary every month, I will mention to the aumils, that they may bring it for sale; but there is no deficiency of grain. The gentlemen have established gunges for their own advantage, called Colonel Gunge at Darunghur, Futtyghur, &c. The collection of the customs from all quarters they have stopped, and collected them at their own gunges; each gunge is rented out at 30,000–40,000 rupees, and their collections paid to the gentlemen. They have established gunges where there never were any, and where they were, those they have abolished; 30,000 or 40,000 rupees is the sum they are rented at; the collections, to the amount of a lack of rupees, are stopped. Major Briscoe, who is at Darunghur, has established a gunge, which rented out for 45,000 rupees; and has stopped the ghauts round about the bipparies, and merchants coming from Cashmere, from Shaw Jehanabeid, and bringing shawls and other goods and spices, &c. from all quarters, he orders to his gunge, and collects the duty from the aumils, gives them a chit and a guard, who conducts them about five hundred coss: the former duties are not collected. From the conduct at Cawnpore, Futtyghur, Furrackabad, &c.; the duties from the lilla of Gora and Thlawa are destroyed, and occasion a loss of three lacks of rupees to the duties; and the losses that are sustained in Furrackabad may be ascertained by the nabob Mozuffir Jung, to whom every day complaints are made; exclusive of the aumils and collectors, others lodge complaints. Whatever I do, I desire no benefit from it; I am remediless and silent; from what happens to me, I know that worse will happen in other places; the second word, I know, is from their mouths only. This is the case. In this country formerly, and even now, whatever is to be received or paid among the zemindars, ryots, and inhabitants of the cities, and poor people, neither those who can pay, or those who cannot pay, ever make any excuse to the Shroffs;

but when they could pay, they did. In old debts of fifty years, whoever complain to the gentlemen, they agree that they shall pay one fourth, and send dustucks and sepoys to all the aumils, the chowdries, and canoongoes, and inhabitants of all the towns; they send for every body, to do them justice, confine them, and say they will settle the business. So many and numerous are these calamities, that I know not how much room it will take up to mention them. Mr. Briscoe is at Daranghur; and the complaints of the aumils arrive daily. I am silent. Now Mr. Middleton is coming here, let the nabob appoint him for settling all these affairs, that whatever he shall order those gentlemen, they will do. From this every thing will be settled, and the particulars of this quarter will be made known to the nabob. I have written this, which you will deliver to the governor, that every thing may be settled; and when he has understood it, whatever is his inclination, he will favor me with it. The nabob is master in this country, and is my friend; there is no distinction."

Copy of another Letter, entered upon the consultation of the 4th of June 1781.

"I have received your letter, requesting leave for a battalion, to be raised by Captain Clark on the same footing as Major Osborne's was, agreeable to the requests and complaints of Ishmael Beg, the aumil of Illahabad, &c. and in compliance with the directions of the council. You are well acquainted with the particulars and negotiation of Ishmael Beg, and the nature of Mr. Osborne's battalion. At the beginning of the year 1186 (1779) the affairs of Illahabad were given on a lease of three years to Ishmael Beg, together with the pergunnahs Arreel and Parra; and I gave orders for troops to be stationed and raised, conformable to his request. Ishmael Beg accordingly collected twelve hundred peons, which were not allowed to the aumil of that place in the

year 1185. The reason, why I gave permission for the additional expense of twelve hundred peons, was that he might be enabled to manage the country with ease, and pay the money to government regularly. I besides sent Mr. Osborne there, to command in the mahals belonging to Illahabad, which were in the possession of rajah Ajeit Sing; and he accordingly took charge.

"Afterwards, in obedience to the orders of the governor-general, Mr. Hastings, Jelladut Jung, he was recalled, and the mahals placed, as before, under rajah Ajeit Sing. I never sent Mr. Osborne to settle the concerns of Illahabad, for there was no occasion for him; but Mr. Osborne, of himself, committed depredations and rapines within Ishmael Beg's jurisdiction. Last year the battalion which, by permission of General Sir Eyre Coote, was sent, received orders to secure and defend Ishmael Beg against the encroachments of Mr. Osborne; for the complaints of Ishmael Beg against the violences of Mr. Osborne had reached the general and Mr. Purling; and the governor and gentlemen of council, at my request, recalled Mr. Osborne. This year, as before, the collections of Arreel and Parra remain under Ishmael Beg. In those places, some of the talookdars and zemindars, who had been oppressed and ill treated by Mr. Osborne, had conceived ideas of rebellion."

Here, my lords, you have an account of the condition of Darughur, Futtyghur, Furruckabad, and of the whole line of our military stations in the nabob's dominions. You see the whole was one universal scene of plunder and rapine. You see all this was known to Mr. Hastings, who never inflicted any punishments for all this horrible outrage. You see the utmost he has done is merely to recall one man, Major Osborne, who was by no means the only person deeply involved in these charges. He nominated all these people; he has never called any of them to an account. Shall I not then call him their captain general? Shall not your lordships call him so? And shall any man in the kingdom call him by

any other name? We see all the executive, all the civil and criminal justice of the country seized on by him. We see the trade, and all the duties seized upon by his creatures. We see them destroying established markets, and creating others at their pleasure. We see them, in the country of an ally, and in a time of peace, producing all the consequences of rapine and of war. We see the country ruined and depopulated by men, who attempt to exculpate themselves, by charging their unhappy victims with rebellion.

And now, my lords, who is it that has brought to light all these outrages and complaints, the existence of which has never been denied, and for which no redress was ever obtained, and no punishment ever inflicted? Why, Mr. Hastings himself has brought them before you; they are found in papers which he has transmitted. God, who inflicts blindness upon great criminals, in order that they should meet with the punishment they deserve, has made him the means of bringing forward this scene, which we are maliciously said to have falsely and maliciously devised. If any one of the ravages contained in that long catalogue of grievances is false, Warren Hastings is the person who must answer for that individual falsehood. If they are generally false, he is to answer for the false and calumniating accusation; and, if they are true, my lords, he only is answerable, for he appointed those ministers of outrage, and never called them to account for their misconduct.

Let me now show your lordships the character that Mr. Hastings gives of all the British officers. It is to be found in an extract from the appendix to that part of his Benares narrative, in which he comments upon the treaty of Chunar. Mark, my lords, what the man himself says, of the whole military service.—"Notwithstanding the great benefit which the company would have derived from such an augmentation of their military force as these troops constituted, ready to act on any emergency, prepared and disciplined without any charge on the company, as the institution professed, until

their actual services should be required, I have observed some evils growing out of the system, which, in my opinion, more than counterbalanced those advantages, had they been realized in their fullest effect. The remote stations of these troops, placing the commanding officers beyond the notice and control of the board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the contagion of peculation and rapacity throughout the whole army. A most remarkable and incontrovertible proof of the prevalence of this spirit has been seen in the court martial upon Captain Erskine, where the court, composed of officers of rank and respectable characters, unanimously and honorably, most honorably, acquitted him upon an acknowledged fact, which, in times of stricter discipline, would have been deemed a crime deserving the severest punishment."

I will now call your lordships' attention to another extract from the same comment of Mr. Hastings, with respect to the removal of the company's servants, civil and military, from the court and service of the vizier.—"I was actuated solely by motives of justice to him, and a regard to the honor of our national character. In removing those gentlemen, I diminish my own influence, as well as that of my colleagues, by narrowing the line of patronage; and I expose myself to obloquy and resentment from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons. But their numbers, their influence, and the enormous amount of their salaries, pensions, and emoluments, were an intolerable burthen on the revenues and authority of the vizier, and exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the vizier from the rewards of their services and attachment."

My lords, you have here Mr. Hastings's opinion of the whole military service. You have here the authority and documents by which he supports his opinion. He states, that the contagion of peculation had tainted all the frontier

stations, which contain much the largest part of the company's army. He states that this contagion had tainted the whole army, *every where;* so that according to him, there was, throughout the Indian army, an universal taint of peculation.—My lords, peculation is not a military vice.—Insubordination, want of attention to duty, want of order, want of obedience and regularity, are military vices; but who ever before heard of peculation being a military vice? In the case before you, it became so by employing military men as farmers of revenue, as masters of markets and of gunges. This departure from the military character and from military duties, introduced that peculation which tainted the army, and desolated the dominions of the nabob vizier.

I declare, when I first read the passage which has been just read to your lordships, in the infancy of this inquiry, it struck me with astonishment, that peculation should *at all* exist as a military vice; but I was still more astonished at finding Warren Hastings charging the *whole* British army with being corrupted by this base and depraved spirit, to a degree which tainted even their judicial character. This, my lords, is a most serious matter. The judicial functions of military men are of vast importance in themselves; and, generally speaking, there is not any tribunal, whose members are more honorable in their conduct, and more just in their decisions than those of a court martial. Perhaps there is not a tribunal in this country whose reputation is really more untainted than that of a court martial. It stands as fair in the opinion both of the army and of the public as any tribunal, in a country where *all* tribunals stand fair. But in India, this unnatural vice of peculation, which has no more to do with the vices of a military character than with its virtues; —this venomous spirit has pervaded the members of military tribunals to such an extent, that they acquit, honorably acquit, *most* honorably acquit a man, "upon an acknowledged fact, which, in times of stricter discipline, would have been deemed a crime deserving the severest punishment."

Who says all this, my lords? Do I say it?—No: it is arren Hastings who says it. He records it. He gives you s vouchers and his evidence, and he draws the conclusion. e is the criminal accuser of the British army. He, who :s in that box, accuses the whole British army in India. e has declared them to be so tainted with peculation from ad to foot, as to have been induced to commit the most icked perjuries, for the purpose of bearing one another out their abominable peculations. In this unnatural state of ings, and whilst there is not one military man on these ations of whom Mr. Hastings does not give this abomina- y flagitious character; yet every one of them have joined give him the benefit of their testimony for his honorable tentions and conduct.

In this tremendous scene, which he himself exposes, are ere no signs of this captain-generalship which I have allu- d to? Are there no signs of this man's being a captain- neral of iniquity, under whom all the spoilers of India ere paid, disciplined, and supported? I not only charge im with being guilty of a thousand crimes; but I assert, at there is not a soldier or a civil servant in India, whose lpable acts are not owing to this man's example, conni- ance, and protection. Every thing which goes to criminate em, goes directly against the prisoner. He puts them in condition to plunder.—He suffered no native authority or overnment to restrain them; and he never called a man to n account for these flagitious acts, which he has thought roper to bring before his country in the most solemn manner nd upon the most solemn occasion.

I verily believe, in my conscience, his accusation is not rue, in the excess, in the generality and extravagance in which he charges it. That it is true, in a great measure, we cannot deny; and in that measure we, in our turn, charge him with being the author of all the crimes which he de- nounces; and if there is any thing in the charge beyond the truth, it is he who is to answer for the falsehood.

I will now refer your lordships to his opinion of the civil service, as it is declared and recorded in his remarks upon the removal of the company's civil servants by him from the service of the vizier.—"I was," says he, "actuated solely by motives of justice to him, (the nabob of Oude,) and a regard to the honor of our national character." Here, you see, he declares his opinion, that in Oude the civil servants of the company had destroyed the national character, and that therefore they ought to be recalled.—"By removing these people," he adds, "I diminish my patronage!" But I ask, How came they there?—Why, through this patronage. —He sent them there to suck the blood which the military had spared. He sent these civil servants to do ten times more mischief than the military ravagers could do, because they were invested with greater authority. "If," says he, "I recall them from thence, I lessen my patronage!"—But who, my lords, authorized him to become a patron? What laws of his country justified him in forcing upon the vizier the civil servants of the company?—What treaty authorized him to do it?—What system of policy, except his own wicked, arbitrary system, authorized him to act thus?

He proceeds to say, "I expose myself to obloquy and resentment, from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons."—My lords, it is the constant burthen of his song, that he cannot do his duty; that he is fettered in every thing; that he fears a thousand mischiefs to happen to him;—not from his acting with carefulness, economy, frugality, and in obedience to the laws of his country, but from the very reverse of all this. Says he, I am afraid I shall forfeit the favor of the powerful patrons of those servants in England; namely, the Lords and Commons of England, if I do justice to the suffering people of this country.

In the House of Commons there are undoubtedly powerful people, who may be supposed to be influenced by patronage; but the higher and more powerful part of the country is

more directly represented by your lordships than by us, although we have of the first blood of England in the House of Commons. We do indeed represent, by the knights of the shires, the landed interest. By our city and borough members, we represent the trading interest; we represent the whole people of England collectively. But neither blood nor power is represented so fully in the House of Commons, as that order which composes the great body of the people; the protection of which is our peculiar duty, and to which it is our glory to adhere. But the dignities of the country, the great and powerful, are represented eminently by your lordships. As we therefore would keep the lowest of the people from the contagion and dishonor of peculation and corruption, and above all, from exercising that vice, which, among commoners, is unnatural as well as abominable, the vice of tyranny and oppression; so we trust, that your lordships will clear yourselves and the higher and more powerful ranks from giving the smallest countenance to the system, which we have done our duty in denouncing and bringing before you.

My lords, you have heard the account of the civil service. Think of their numbers, think of their influence, and the enormous amount of their salaries, pensions, and emoluments! They were, you have heard, an intolerable burthen on the revenues and authority of the vizier; and they exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the prince from the just reward of their services and attachments. Here, my lords, is the whole civil service brought before you. They usurp the country, they destroy the revenues, they overload the prince, and they exclude all the nobility and eminent persons of the country from the just reward of their service.

Did Mr. Francis, whom I saw here a little while ago, send these people into that country? Did General Clavering, or Colonel Monson, whom he charges with this system, send

them there? No; they were sent by himself; and if one was sent by any body else for a time, he was soon recalled; so that he is himself answerable for all the peculation which he attributes to the civil service. You see the character given of that service; you there see their accuser; you there see their defender, who, after having defamed both services, military and civil, never punished the guilty in either; and now receives the prodigal praises of both.

I defy the ingenuity of man to show that Mr. Hastings is not the defamer of the service. I defy the ingenuity of man to show that the honor of Great Britain has not been tarnished under his patronage. He engaged to remove all these blood-suckers by the treaty of Chunar; but he never executed that treaty. He proposed to take away the temporary brigade; but he again established it. He redressed no grievance; he formed no improvements in the government; he never attempted to provide a remedy without increasing the evil tenfold. He was the primary and sole cause of all the grievances, civil and military, to which the unhappy natives of that country were exposed; and he was the accuser of all the immediate authors of those grievances, without having punished any one of them. He is the accuser of them all. But the only person whom he attempted to punish was that man, who dared to assert the authority of the court of directors, and to claim an office assigned to him by them.

I will now read to your lordships the protest of General Clavering against the military brigade: "Taking the army from the nabob is an infringement of the rights of an independent prince, leaving only the name and title of it without the power. It is taking his subjects from him, against every law of nature and of nations."

I will next read to your lordships a minute of Mr. Francis's: "By the foregoing letter from Mr. Middleton, it appears that he has taken the government of the nabob's dominions directly upon himself. I was not a party to the resolutions which preceded that measure, and will not be answerable for the consequences of it."

The next paper I will read is one introduced by the anagers, to prove that a representation was made by the bob, respecting the expenses of the gentlemen resident at s court, and written after the removal before-mentioned.

xtract of a Letter from the Vizier to Mr. Macpherson; received the 21*st of April*, 1785.

" With respect to the expenses of the gentlemen who are re, I have before written in a covered manner; I now write ainly, that I have no ability to give money to the gentlemen, cause I am indebted many lacks of rupees to the bankers, r the payment of the company's debt. At the time of Mr. astings's departure, I represented to him that I had no reurces for the expenses of the gentlemen. Mr. Hastings, ving ascertained my distressed situation, told me that after s arrival in Calcutta he would consult with the council, and move from hence the expenses of the gentlemen, and recall ery person, except the gentlemen in office here. At this me, that all the concerns are dependent upon you, and you ve in every point given ease to my mind, according to Mr. astings's agreement, I hope that the expenses of the gentlemen may be removed from me, and that you may recall every rson residing here beyond the gentlemen in office. Although Major Palmer does not at this time demand any thing r the gentlemen, and I have no ability to give them any ing, yet the custom of the English gentlemen is, when ey remain here, they will in the end ask for something; is is best, that they should be recalled."

I think so too, and your lordships will think so with me; t Mr. Hastings, who says that he himself thought thus in eptember, 1781, and engaged to recall these gentlemen, was afraid of their powerful friends and patrons here, that he ft India, and left all that load of obloquy upon his succesrs. He left a Major Palmer there, in the place of a resient; a resident of his own, as your lordships must see; for

Major Palmer was no resident of the company's. This man received a salary of about £23,000 a year, which he declared to be less than his expenses; by which we may easily judge of the enormous salaries of those who make their fortunes there. He was left by Mr. Hastings as his representative of peculation, his representative of tyranny. He was the second agent appointed to control all power ostensible and unostensible, and to head these gentlemen whose "custom," the nabob says, "was in the end to ask for money." Money they must have; and there, my lords, is the whole secret.

I have this day shown your lordships the entire dependence of Oude on the British empire. I have shown you how Mr. Hastings usurped all power, reduced the prince to a cypher, and made of his minister a mere creature of his own; how he made the servants of the company dependent on his own arbitrary will, and considered independence a proof of corruption. It has been likewise proved to your lordships, that he suffered the army to become an instrument of robbery and oppression; and one of its officers to be metamorphosed into a farmer general; to waste the country and embezzle its revenues. You have seen a clandestine and fraudulent system, occasioning violence and rapine; and you have seen the prisoner at the bar acknowledging and denouncing an abandoned spirit of rapacity, without bringing its ministers to justice; and pleading, as his excuse, the fear of offending your lordships and the House of Commons. We have shown you the government, revenue, commerce, and agriculture of Oude, ruined and destroyed by Mr. Hastings and his creatures. And to wind up all, we have shown you an army so corrupted, as to pervert the fundamental principles of justice, which are the elements and basis of military discipline. All this, I say, we have shown you; and I cannot believe, that your lordships will consider that we have trifled with your time, or strained our comments one jot beyond the strict measure of the text.

We have shown you a horrible scene, arising from an as-

tonishing combination of horrible circumstances. The order in which you will consider these circumstances must be left to your lordships. At present I am not able to proceed further. My next attempt will be to bring before you, the manner in which Mr. Hastings treated movable and immovable property in Oude, and by which he has left nothing undestroyed in that devoted country.

[Adjourned.

TRIAL.

SATURDAY, 7TH JUNE, 1794.

FIFTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—We will now resume the consideration of the remaining part of our charge, and of the prisoner's attempts to defend himself against it.

Mr. Hastings, well knowing, (what your lordships must also by this time be perfectly satisfied was the case,) that this unfortunate nabob had no will of his own, draws down his poor victim to Chunar, by an order to attend the governor-general. If the nabob ever wrote to Mr. Hastings, expressing a request or desire for this meeting, his letter was unquestionably dictated to him by the prisoner. We have laid a ground of direct proof before you, that the nabob's being at Chunar, that his proceedings there, and that all his acts were so dictated, and consequently must be so construed.

I shall now proceed to lay before your lordships the acts of oppression, committed by Mr. Hastings through his two miserable instruments; the one, his passive instrument, the nabob; the other, Mr. Middleton, his active instrument, in his subsequent plans for the entire destruction of that country. In page 513 of the printed minutes, you have Mr. Middleton's declaration of his promptitude to represent every thing agreeably to Mr. Hastings's wishes.

"My dear Sir,—I have this day answered your public letter in the form you seemed to expect. I hope there is nothing in it, that may to you appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the hitherto non-performance of the stipulations made on behalf of the nabob; though I do assure you, I myself represented to his excellency and the ministers, conceiving it to be your desire, that the apparent assumption of the reins of his government, (for in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be fully and literally enforced, but that it was necessary you should have something to show on your side, as the company were deprived of a benefit, without a requital; and upon the faith of this assurance alone, I believe I may safely affirm, his excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it. However, it is not too late to correct the error; and I am ready to undertake, and God willing, to carry through whatever you may, on the receipt of my public letter, tell me is your final resolve.

"If you determine, at all events, that the measures of reducing the nabob's army, &c. shall be immediately undertaken, I shall take it as a particular favor, if you will indulge me with a line at Fyzabad, that I may make the necessary previous arrangements with respect to the disposal of my family, which I would not wish to retain here, in the event either of a rupture with the nabob, or the necessity of employing our forces on the reduction of his aumils and troops. This done, I can begin the work in three days after my return from Fyzabad."

Besides this letter, which I think is sufficiently clear upon the subject, there is also another, much more clear, upon

your lordships' minutes, much more distinct and much more pointed, expressive of his being resolved to make such representations of every matter, as the governor-general may wish. Now, a man, who is master of the manner in which facts are represented, and whose subsequent conduct is to be justified by such representations, is not simply accountable for his conduct; he is accountable for culpably attempting to form, on false premises, the judgment of others upon that conduct. This species of delinquency must therefore be added to the rest; and I wish your lordships to carry generally in your minds, that there is not one single syllable of representation made by any of those parties, except where truth may happen to break out in spite of all the means of concealment, which is not to be considered as the representation of Mr. Hastings himself, in justification of his own conduct.

The letter, which I have just now read, was written preparatory to the transaction which I am now going to state, called *the Treaty of Chunar*. Having brought his miserable victim thither, he forced him to sign a paper called a treaty; but such was the fraud in every part of this treaty, that Mr. Middleton himself, who was the instrument and the chief agent in it, acknowledges that the nabob was persuaded to sign it, by the assurance given to him that it never was to be executed. Here then your lordships have a prince first compelled to enter into a negotiation, and then induced to accede to a treaty, by false assurances that it should not be executed, which he declares nothing but force should otherwise have compelled him to accede to.

The first circumstance in this transaction, that I shall lay before your lordships, is, that the treaty is declared to have for its objects two modes of relieving the nabob from his distresses; from distresses, which we have stated, and which Mr. Hastings has not only fully admitted, but has himself proved in the clearest manner to your lordships. The first was by taking away that *wicked rabble*, the British troops,

represented by Mr. Hastings as totally ruinous to the nabob's affairs; and, particularly, by removing that part of them, which was called the new brigade.

Another remedial part of the treaty regarded the British pensioners. It is in proof before your lordships, that Mr. Hastings agreed to recall from Oude that body of pensioners, whose conduct there is described, in such strong terms, as being ruinous to the vizier and to all his affairs. These pensioners Mr. Hastings engaged to recall; but he never did recall them. We refer your lordships to the evidence before you, in proof that these odious pensioners, so distressing to the nabob, so ruinous to his affairs, and so disgraceful to our government, were not only *not* recalled by Mr. Hastings, but that, both afterwards, and upon the very day of signing the treaty (as Mr. Middleton himself tells you); upon that very day, I say, he recommended to the nabob that these pensioners might remain upon that very establishment, which, by a solemn treaty of his own making and his own dictating, he had agreed to relieve from this intolerable burden.

Mr. Hastings, your lordships will remember, had departed from Benares, frustrated in his designs of extorting £500,000 from the rajah, for the company's use. He had ravaged the country, without obtaining any benefit for his masters; the British soldiers having divided the only spoil, and nothing remaining for the share of his employers but disgrace. He was, therefore, afraid to return without having something of a lucrative pecuniary nature to exhibit to the company. Having this object in view, Oude appears to have first presented itself to his notice, as a country from which some advantage of a pecuniary kind might be derived, and accordingly he turned in his head a vast variety of stratagems for effecting his purpose.

The first article, that occurs in the treaty of Chunar, is a power given to the nabob to resume all the jaghires not guarantied by the company, and to give pensions to all those persons who should be removed from their jaghires.

Now, the first thing which would naturally occur to a man who was going to raise a revenue through the intervention of the prince of the country, would be to recommend to that prince a better economy in his affairs, and a rational and equal assessment upon his subjects, in order to furnish the amount of the demand which he was about to make upon him. I need not tell your lordships, trained and formed as your minds are to the rules and orders of good government, that there is no way by which a prince can justly assess his subjects, but by assessing them all in proportion to their respective abilities; and that, if a prince should make such a body as the House of Lords in this kingdom (which comes near the case I am going to state) separately the subject of assessment, such a thing would be contrary to all the principles of regular and just taxation in any country in the universe. Some men may posssibly, by locality or privileges, be excepted from certain taxes; but no taxation ever can be just that is thrown upon some particular class only; and if that class happen to be small and the demand great, the injustice done is directly proportionable to the greatness of the exaction and inversely to the number of the persons who are the objects of it. These are clear, irrefragable, and eternal principles.

But if, instead of exacting a part by a proportionable rate, the prince should go further and attempt to shake the whole mass of property itself, a mass perhaps not much less than that which is possessed by the whole peers of Great Britain, by confiscating the whole of the estates at once as a government resource, without the charge or pretence of any crime; I say, that such an act would be oppressive, cruel, and wicked in the highest degree. Yet this is what Mr. Hastings projected, and actually did accomplish.

My lords, at the treaty of Chunar, as it is called, Mr. Hastings (for he always artfully feels his way as he proceeds) first says, that the nabob shall be permitted to do this act if he pleases. He does not assume the government. He does

not compel the nabob to do any thing. He does not force upon him this abandoned and wicked confiscation of the property of the whole nobility of a great country. All that he says is this,—the nabob *may be permitted* to resume these jaghires. Why permitted? If the act had been legal, proper, and justifiable, he did not want our permission; he was a sovereign in his own dominions. But Mr. Hastings recollected that some of these jaghires (as they are called, and on which I shall say a very few words to your lordships) were guarantied by the company. The jaghires of his own house, of his mother and grandmother, were guarantied by us. I must inform your lordships, that upon some of our other exactions at an earlier period, the nabob had endeavored to levy a forced loan upon the jaghirdars. This forced loan was made and submitted to by those people, upon a direct assurance of their rights in the jaghires, which right was guarantied by the British resident, not only to the begums, and to the whole family of the nabob, but also to all the other objects of the tax.

Before I proceed, I will beg leave to state to you briefly the nature of these jaghires. The jaghirdars, the holders of jaghires, form the body of the principal Mahomedan nobility. The great nobility of that country are divided into two parts: one part consists of the zemindars, who are the ancient proprietors of land, and the hereditary nobility of the country; these are mostly Gentoos. The Mahomedans form the other part, whose whole interest in the land consists in the jaghires, for very few indeed of them are zemindars any where; in some of the provinces none of them are so; the whole of them are jaghirdars.

We have heard, my lords, much discussion about jaghires. It is in proof before your lordships, that they are of two sorts:—that a jaghire signifies exactly what the word *fee* does in the English language, or *feodum* in the barbarous Latin of the Feudists; that it is a word which signifies a salary or a maintenance, as did originally the English word fee,

derived from the word *feod* and *feodum*. These jaghires, like other fees and like other feods, were given in land, as a maintenance; some with the condition of service, some without any condition; some were annexed to an office, some were granted as the support of a dignity, and none were granted for a less term than life, except those that were immediately annexed to a lease. We have shown your lordships, (and in this we have followed the example of Mr. Hastings,) that some of them are fees granted actually in perpetuity; and in fact many of them are so granted. We are farther to tell your lordships, that by the custom of the empire they are almost all grown as the feods in Europe are grown by use into something which is at least virtually an inheritance. This is the state of the jaghires and jaghirdars.

Among these jaghires we find, what your lordships would expect to find, an ample provision for all the nobility of that illustrious family, of which the nabob is the head; a prince whose family, both by father and mother, notwithstanding the slander of the prisoner against his benefactor, was undoubtedly of the first and most distinguished nobility of the Mahomedan empire. Accordingly his uncles, all his near relations, his mother, grandmother, all possessed jaghires, some of very long standing, and most of them not given by the nabob.

I take some pains in explaining this business, because I trust your lordships will have a strong feeling against any confiscation for the purpose of revenue. Believe me, my lords, if there is any thing which will root the present order of things out of Europe, it will begin, as we see it has already begun in a neighboring country, by confiscating, for the purposes of the state, grants made to classes of men, let them be held by what names, or be supposed susceptible of what abuses soever. I will venture to say that Jacobinism never can strike a more deadly blow against property, rank, and dignity, than your lordships, if you were to acquit this man, would strike against your own dignity, and the very being of the society in which we live.

Your lordships will find in your printed minutes who the jaghirdars were, and what was the amount of their estates. The jaghires of which Mr. Hastings authorized the confiscation, or what he calls a *resumption*, appear from Mr. Purling's account, when first the forced loan was levied upon them, under his residentship, to amount to £285,000 sterling per annum ; which £285,000, if rated and valued according to the different value of provisions and other necessaries of life in that country and in England, will amount, as near as may be, to about £600,000 a year. I am within compass. Every body conversant with India will say it is equivalent at least to £600,000 a year in England ; and what a blow such a confiscation as this would be, on the fortunes of the peers of Great Britain, your lordships will judge. I like to see your estates as great as they are ;—I wish they were greater than they are ; but whatever they are, I wish above all that they should be perpetual. For dignity and property in this country *esto perpetua* shall be my prayer this day, and the last prayer of my life. The Commons therefore of Great Britain, those guardians of property, who will not suffer the monarch they love, the government which they adore, to levy one shilling upon the subject, in any other way than the law and statutes of this kingdom prescribe, will not suffer, nor can they bear the idea that any single class of people should be chosen to be the objects of a contrary conduct, nor that even the nabob of Oude should be permitted to act upon such a flagitious principle. When an English governor has substituted a power of his own, instead of the legal government of the country, as I have proved this man to have done, if he found the prince going to do an act which would shake the property of all the nobility of the country, he surely ought to raise his hand and say, "You shall not make my name your sanction for such an atrocious and abominable act as this confiscation would be."

Mr. Hastings, however, whilst he gives, with an urbanity for which he is so much praised, his consent to this confisca-

tion, adds, there must be pensions secured for all persons losing their estates, who had the security of our guaranty. Your lordships know that Mr. Hastings by his guaranty had secured their jaghires to the nabob's own relations and family. One would have imagined that, if the estates of those who were without any security were to be confiscated at his pleasure, those at least who were guarantied by the company, such as the begums of Oude, and several of the principal nobility of the nabob's family would have been secure. He indeed says, that pensions shall be given them, for at this time he had not got the length of violating, without shame or remorse, all the guaranties of the company. There shall, says he, be pensions given. If pensions were to be given to the value of the estate, I ask what has this violent act done? You shake the security of property, and, instead of suffering a man to gather his own profits with his own hands, you turn him into a pensioner upon the public treasury. I can conceive that such a measure will render these persons miserable dependants instead of independent nobility; but I cannot conceive what financial object can be answered by paying that in pension which you are to receive in revenue. This is directly contrary to financial economy. For when you stipulate to pay out of the treasury of government a certain pension, and take upon you the receipts of an estate, you adopt a measure by which government is almost sure of being a loser. You charge it with a certain, fixed sum, and even upon a supposition, that, under the management of the public, the estate will be as productive as it was under the management of its private owner, (a thing highly improbable,) you take your chance of a reimbursement, subject to all the extra expense and to all the accidents that may happen to a public revenue. This confiscation could not therefore be justified as a measure of economy; it must have been designed merely for the sake of shaking and destroying the property of the country.

The whole transaction, my lords, was an act of gross vio-

lence ushered in by a gross fraud. It appears that no pensions were ever intended to be paid; and this you will naturally guess would be the event when such a strange metamorphosis was to be made, as that of turning a great landed interest into a pensionary payment. As it could answer no other purpose, so it could be intended for no other than that of getting possession of these jaghires by fraud. This man, my lords, cannot commit a robbery without indulging himself at the same time in the practice of his favorite arts of fraud and falsehood.

And here I must again remind your lordships, that at the time of the treaty of Chunar, the jaghires were held in the following manner:—Of the £285,000 a year, which was to be confiscated, the old grants of Sujah Dowlah the grandfather of the nabob, amounted to near two-thirds of the whole, as you will find in the paper to which we refer you. By this confiscation, therefore, the nabob was authorized to *resume* grants of which he had not been the grantor.

[Mr. Burke here read the list of the jaghires.]

Now, my lords, you see that all these estates, except £25,782 a year, were either jaghires for the nabob's own immediate family, settled by his father upon his mother, and by his father's father upon his grandmother, and upon Salar Jung, his uncle, or were the property of the most considerable nobility, to the gross amount of £285,000. Mr. Hastings confesses that the nabob reluctantly made the confiscation to the extent proposed. Why? Because, says he, the orderlys, namely, certain persons so called, subservient to his debaucheries, were persons whom he wished to spare. Now, I am to show you, that this man, whatever faults he may have in his private morals, (with which we have nothing at all to do,) has been slandered throughout by Mr. Hastings. Take his own account of the matter. The nabob, says he, would have confiscated all the rest, except his orderlys, whom he would have spared, but I, finding where his partiality lay, compelled him to sacrifice the whole; for otherwise he would

have sacrificed the good to save the bad. Whereas, says Mr. Hastings, in effect my principle was to sacrifice the good, and at the same time to punish the bad. Now compare the account he gives of the proceedings of Azoph ul Dowlah, with his own. Azoph ul Dowlah, to save some unworthy persons, who had jaghires, would, if left to his own discretion, have confiscated those only of the deserving; while Mr. Hastings, to effect the inclusion of the worthless in the confiscation, confiscates the jaghires of the innocent and the virtuous men of high rank, and of those who had all the ties of nature to plead for the nabob's forbearance, and reduced them to a state of dependency and degradation.

Now, supposing these two villainous plans, neither of which your lordships can bear to hear the sound of, to stand equal in point of morality, let us see how they stand in point of calculation. The unexceptionable part of the £285,000 amounted to £260,000 a year; whereas, supposing every part of the new grants had been made to the most unworthy persons, it only amounted to £25,000 a year. Therefore by his own account, given to you and to the company, upon this occasion, he has confiscated £260,000 a year, the property of innocent, if not of meritorious individuals, in order to punish by confiscation those who had £25,000 a year only. This is the account he gives you himself of his honor, his justice, and his policy in these proceedings.

But, my lords, he shall not escape so. It is in your minutes, that so far was the nabob from wishing to save the new exceptionable grants, that at the time of the forced loan I have mentioned, and also when the resumption was proposed, he was perfectly willing to give up every one of them, and desired only that his mother, his uncles, and his relations, with other individuals, the prime of the Mahomedan nobility of that country, should be spared. Is it not enough that this poor nabob, this wretched prince, is made a slave to the man now standing at your bar; that he is made by him a shame and a scandal to his family, his race, and his country; but he

must be cruelly aspersed, and have faults and crimes attributed to him that do not belong to him? I know nothing of his private character and conduct; Mr. Hastings, who deals in scandalous anecdotes, knows them. But I take it upon the face of Mr. Purling's assertion, and I say that the nabob would have consented to an arbitrary taxation of the jaghires, and would have given up to absolute confiscation every man, except those honorable persons I have mentioned.

The prisoner himself has called Mr. Wombwell to prove the names of those infamous persons, with a partiality for whom Mr. Hastings has aspersed the nabob, in order to lay the ground for the destruction of his family. They amount to only six in number; and when we come to examine these six, we find that their jaghires were perfectly contemptible. The list of the other jaghirdars your lordships see fills up pages; and the amount of their incomes I have already stated. Your lordships now see how inconsiderable, both in number and amount, were the culpable jaghires, in the destruction of which he has involved the greater number and the meritorious. You see that the nabob never did propose any exemption of the former at any time; that this was a slander and a calumny on that unhappy man, in order to defend the violent acts of the prisoner; who has recourse to slander and calumny as a proper way to defend violence, outrage, and wrongs.

We have now gone through the first stage of Mr. Hastings's confiscation of the estates of these unhappy people. When it came to be put in execution, Mr. Middleton finds the nabob reluctant, in the greatest degree, to make this sacrifice of his family, and of all his nobility. It touched him in every way in which shame and sympathy can affect a man. He falls at the feet of Mr. Middleton; he says, I signed the treaty of Chunar upon an assurance that it was never meant to be put in force. Mr. Middleton nevertheless proceeds; he sends the family of the nabob out of the country; but he entertains fears of a general revolt as the conse-

quence of this tyrannical act, and refers the case back to Mr. Hastings, who insists upon its being executed in its utmost extent. The nabob again remonstrates in the strongest manner; he begs, he prays, he dissembles, he delays. One day he pretends to be willing to submit, the next he hangs back, just as the violence of Mr. Hastings or his own natural feelings and principles of justice dragged him one way or dragged him another. Mr. Middleton, trembling and under the awe of that *dreadful responsibility*, under which your lordships may remember Mr. Hastings had expressly laid him upon that occasion, ventures at once to usurp the nabob's government. He usurped it openly and avowedly. He declared that he himself would issue his perwannahs as governor of the country, for the purpose of executing this abominable confiscation. He assumed, I say, to himself the government of the country, and Mr. Hastings had armed him with a strong military force for that purpose; he declared he would order those troops to march for his support; he at last got this reluctant, struggling nabob to consent in the manner we have described.

I shall now read to your lordships Mr. Middleton's letters, that you may hear these men with their own mouths describing their own acts; and that your lordships may then judge whether the highest tone and language of crimination comes up to their own description of their own proceedings.

"Lucknow, the 6th of Dec., 1781.

"Finding the nabob wavering in his determination about the resumption of the jaghires, I this day, in presence of, and with the minister's concurrence, ordered the necessary perwannahs to be written to the several aumils for that purpose, and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the nabob, who had been informed by the minister of the resolution I had taken,

intreating that I would withhold the perwannahs till to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the perwannahs appeared of little moment, and as it is possible, the nabob, seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in his request; but be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers. Your pleasure respecting the begums I have learnt from Sir Elijah; and the measure heretofore proposed will soon follow the resumption of the jaghires; from both, or indeed from the former alone, I have no doubt of the complete liquidation of the company's balance."

"Lucknow, the 7th Dec., 1781.

"My dear Sir,

"I had the honor to address you yesterday, informing you of the steps I had taken in regard to the resumption of the jaghires. This morning the vizier came to me, according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses, for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource, than the one of employing that exclusive authority with which I consider your instructions to vest me; I therefore declared to the nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed, as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power, towards liquidating his heavy accumulated debt to the company, and that I must in consequence determine, in my own justification, to issue immedi-

ately the perwannahs, which had only been withheld in the sanguine hope, that he would be prevailed upon to make that his own act, which nothing but the most urgent necessity could force me to make mine. He left me without any reply, but afterwards sent for his minister, and authorized him to give me hopes that my requisition would be complied with, on which I expressed my satisfaction; but declared that I could admit of no further delays, and unless I received his excellency's formal acquiescence before the evening, I should then most assuredly issue my perwannahs, which I have accordingly done, not having had any assurances from his excellency that could justify a further suspension. I shall, as soon as possible, inform you of the effect of the perwannahs, which, in many parts, I am apprehensive it will be found necessary to enforce with military aid; I am not, however, entirely without hopes that the nabob, when he sees the inefficacy of further opposition, may alter his conduct, and prevent the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance without his concurrence; his excellency talks of going to Fyzabad for the purpose heretofore mentioned, in three or four days. I wish he may be serious in this intention, and you may rest assured I shall spare no pains to keep him to it."

"Lucknow, 28th December, 1781.

"If your new demand is to be insisted upon, which your letter seems to portend, I must beg your precise orders upon it, as from the difficulties I have within these few days experienced, in carrying the points, you had enjoined, with the nabob; I have the best grounds for believing that he would consider it a direct breach of the late agreement, and totally reject the proposal as such, and I must own to you, that in his present fermented state of mind, I could expect nothing less than despair, and a declared rupture.

"He has by no means been yet able to furnish me with

means of paying off the arrears due to the temporary brigade, to the stipulated term of its continuance in his service; the funds necessary for paying off and discharging his own military establishment, under British officers, and his pension list, have been raised, on the private credit of Mr. Johnson and myself, from the shroffs of this place, to whom we are at this moment pledged for many lacks of rupees; and without such aid, which I freely and at all hazards yielded, because I conceived it was your anxious desire to relieve the nabob as soon as possible of this heavy burden, the establishment must have been at his charge to this time, and probably for months to come, while his resources were strained to the utmost to furnish jaidads for its maintenance to this period. I therefore hesitate not to declare it utterly impossible for him, under any circumstances whatever, to provide funds for the payment of the troops you now propose to send him.

"The wresting Furruckabad, Kyrague, and Fyzula Cawn's country from his government, (for in that light, my dear Sir, I can faithfully assure you, he views the measures adopted in respect to those countries,) together with the resumption of all the jaghires, so much against his inclination, have already brought the nabob to a persuasion that nothing less than his destruction, or the annihilation of every shadow of his power is meant; and all my labors to convince him to the contrary have proved abortive. A settled melancholy has seized him, and his health is reduced beyond conception; and I do most humbly believe, that the march of four regiments of sepoys towards Lucknow, under whatever circumstances it might be represented, would be considered by him as a force ultimately to be used in securing his person. In short, my dear Sir, it is a matter of such immediate moment, and involving, apparently, such very serious and important consequences, that I have not only taken upon me to suspend the communication of it to the nabob, until I should be honored with your further commands, but have also ventured to write the enclosed letter to Colonel Morgan; liberties which I confident-

ly trust you will excuse, when you consider that I can be actuated by no other motive than a zeal for the public service; and that if, after all, you determine that the measure shall be insisted on, it will be only the loss of six, or at most eight days in proposing it. But in the last event, I earnestly entreat your orders may be explicit and positive, that I may clearly know what lengths you would wish me to proceed, in carrying them into execution. I again declare it is my firm belief, and assure yourself, my dear Mr. Hastings, I am not influenced in this declaration by any considerations but my public duty and my personal attachment to you, that the enforcing the measure you have proposed would be productive of an open rupture between us and the nabob; nay, that the first necessary step towards carrying it into effect must be, on our part, a declaration of hostility."

Your lordships have now before your eyes proofs, furnished by Mr. Hastings himself, from his correspondence with Mr. Middleton, irrefragable proofs that this nabob, who is stated to have made the proposition himself, was dragged to the signature of it; and that the troops which are supposed, and fraudulently stated (and I wish your lordships particularly to observe this) to have been sent to assist him in this measure, were considered by him as a body of troops sent to imprison him, and to free him from all the troubles and pains of government.

When Mr. Hastings sent the troops for the purpose, as he pretended, of assisting the nabob in the execution of a measure which was really adopted in direct opposition to the wishes of that prince, what other conclusion could be drawn but that they were sent to overawe, not to assist, him. The march of alien troops into a country, upon that occasion, could have no object but hostility; they could have been sent with no other design but that of bringing disgrace upon the nabob, by making him the instrument of his family's ruin, and of the destruction of his nobility. Your lordships,

therefore, will not wonder that this miserable man should have sunk into despair, and that he should have felt the weight of his oppression doubly aggravated by its coming from such a man as Mr. Hastings, and by its being enforced by such a man as Mr. Middleton.

And here I must press one observation upon your lordships, —I do not know a greater insult that can be offered to a man born to command, than to find himself made the tool of a set of obscure men, come from an unknown country, without any thing to distinguish them but an usurped power. Never shall I, out of compliment to any persons, because they happen to be my own countrymen, disguise my feelings or renounce the dictates of nature and of humanity. If we send out obscure people, unknowing and unknown, to exercise such acts as these, I must say it is a bitter aggravation of the victim's suffering. Oppression and robbery are at all times evils, but they are more bearable, when exercised by persons whom we have been habituated to regard with awe, and to whom mankind for ages have been accustomed to bow.

Now, does the history of tyranny furnish—does the history of popular violence deposing kings furnish any thing like the dreadful deposition of this prince, and the cruel and abominable tyranny that has been exercised over him? Consider, too, my lords, for what object all this was done. Was Mr. Hastings endeavoring, by his arbitrary interference and the use of his superior power, to screen a people from the usurpation and power of a tyrant; from any strong and violent acts, against property, against dignity, against nobility, against the freedom of his people? No: you see here, a monarch deposed, in effect, by persons pretending to be his allies; and assigning what are pretended to be his wishes, as the motive for using his usurped authority in the execution of these acts of violence, against his own family and his subjects. You see him struggling against this violent prostitution of his authority. He refuses the sanction of his name, which before he had given up to Mr. Hastings, to be used

as he pleased, and only begs not to be made an instrument of wrong which his soul abhors, and which would make him infamous throughout the world. Mr. Middleton, however, assumes the sovereignty of the country. I, he says, am nabob of Oude: the jaghires shall be confiscated; I have given my orders, and they shall be supported by a military force.

I am ashamed to have so far distrusted your lordships' honorable and generous feelings, as to have offered you, upon this occasion, any remarks which you must have run before me in making. Those feelings which you have, and ought to have; feelings born in the breasts of all men, and much more in men of your lordships' elevated rank, render my remarks unnecessary. I need not, therefore, ask what you feel, when a foreign resident, at a prince's court, takes upon himself to force that prince to act the part of a tyrant, and, upon his resistance, openly and avowedly assumes the sovereignty of the country. You have it in proof that Mr. Middleton did this. He not only put his own name to the orders for this horrible confiscation, but he actually proceeded to dispossess the jaghirdars of their lands and to send them out of the country. And whom does he send, in the place of this plundered body of nobility, to take possession of the country? Why the usurers of Benares. Yes, my lords, he immediately mortgages the whole country to the usurers of Benares, for the purpose of raising money upon it; giving it up to those blood-suckers, dispossessed of that nobility whose interest, whose duty, whose feelings, and whose habits, made them the natural protectors of the people.

My lords, we here see a body of usurers put into possession of all the estates of the nobility; let us now see if this act was necessary, even for the avowed purposes of its agents,—the relief of the nabob's financial difficulties, and the payment of his debts to the company. Mr. Middleton has told your lordships, that these jaghires would pay the company's debt completely in two years. Then, would it not have been

better, to have left these estates in the hands of their owners, and to have oppressed them in some moderate, decent way? Might they not have left the jaghirdars to raise the sums required by some settlement with the bankers of Benares, in which the repayment of the money, within five or six years, might have been secured, and the jaghirdars have had in the mean time, something to subsist upon? O no; these victims must have nothing to live upon. They must be turned out. And why? Mr. Hastings commands it.—Here I must come in aid of Mr. Middleton, a little; for one cannot but pity the miserable instruments that have to act under Mr. Hastings. I do not mean to apologize for Mr. Middleton, but to pity the situation of persons who, being servants of the company, were converted, by the usurpation of this man, into his subjects and his slaves. The mind of Mr. Middleton revolts. You see him reluctant to proceed. The nabob begs a respite. You find in the resident a willingness to comply. Even Mr. Middleton is placable. Mr. Hastings alone is obdurate. His resolution to rob and to destroy was not to be moved, and the estates of the whole Mahomedan nobility of a great kingdom were confiscated in a moment. Your lordships will observe, that his orders to Mr. Middleton allow no forbearance. He writes thus to him:

"Sir,—My mind has been for some days suspended between two opposite impulses; one arising from the necessity of my return to Calcutta; the other, from the apprehension of my presence being more necessary and more urgently wanted at Lucknow. Your answer to this shall decide my choice.

"I have waited thus long, in the hopes of hearing that some progress had been made in the execution of the plan which I concluded with the nabob in September last. I do not find that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train.

This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the nabob's resolutions to deprive the begums of their ill employed treasures. In both services, it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negotiation or forbearance, but must prosecute both services, until the begums are at the entire mercy of the nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement. You will have a force more than sufficient to effect both these purposes.

"The reformation of his army, and the new settlement of his revenues, are also points of immediate concern, and ought to be immediately concluded. Has any thing been done in either?

"I now demand and require you most solemnly to answer me. Are you confident in your own ability to accomplish all these purposes, and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the presidency, but leave you a dreadful responsibility if you disappoint me. If you tell me, that you cannot rely upon your power, and the other means which you possess for performing these services, I will free you from the charge. I will proceed myself to Lucknow, and I will myself undertake them; and in that case, I desire that you will immediately order bearers to be stationed, for myself and two other gentlemen, between Lucknow and Illahabad, and I will set out from hence in three days after the receipt of your letter.

"I am sorry that I am under the necessity of writing in this pressing manner. I trust implicitly to your integrity. I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and above all of your recollection of my instructions, and of their importance. My

conduct in the late arrangements will be arraigned with all the rancor of disappointed rapacity, and my reputation and influence will suffer a mortal wound from the failure of them; they have already failed in a degree, since no part of them has yet taken place, but the removal of our forces from the Douab and Rohilcund, and of the British officers and pensioners from the service of the nabob, and the expenses of the former thrown without any compensation on the company.

"I expect a supply of money equal to the discharge of all the nabob's arrears, and am much disappointed and mortified that I am not now able to return with it.

"Give me an immediate answer to the question which I have herein proposed, that I may lose no more time in fruitless inaction."

About this time Mr. Hastings had received information of our inquiries in the House of Commons into his conduct; and this is the manner in which he prepares to meet them. I must get money. I must carry with me that great excuse for every thing, that salve for every sore, that expiation for every crime; let me provide that, all is well. You, Mr. Middleton, try your nerves; are you equal to these services? examine yourself; see what is in you; are you man enough to come up to it? says the great robber to the little robber—says Roland the great to his puny accomplice—are you equal to it? Do you feel yourself a man? If not, send messengers and *dawks* to me, and I, the great master tyrant, will come myself, and put to shame all the paltry, delegate tools of despotism, that have not edge enough to cut their way through, and do the services I have ordained for them.

I have already stated to your lordships his reason and motives for this violence, and they are such as aggravated his crime by attempting to implicate his country in it. He says he was afraid to go home without having provided for the payment of the nabob's debt. Afraid of what? Was he

afraid of coming before a British tribunal, and saying,—through justice, through a regard for the rights of an allied sovereign, through a regard to the rights of his people, I have not got so much as I expected? Of this no man could be afraid. The prisoner's fear had another origin. I have failed, says he to himself, in my first project. I went to Benares to rob; I have lost by my violence the fruits of that robbery; I must get the money somewhere, or I dare not appear before a British House of Commons, a British House of Lords, or any other tribunal in the kingdom; but let me get money enough, and they won't care how I get it. The estates of whole bodies of nobility may be confiscated. A people, who had lived under their protection, may be given up into the foreign usurers; they will care for none of these things. They will suffer me to do all this, and to employ in it the force of British troops, whom I have described as a set of robbers, provided I can get money. These were Mr. Hastings's views; and in accordance with them, the jaghires were all confiscated, the jaghirdars with their families were all turned out, the possessions delivered up to the usurer, in order that Mr. Hastings might have the excuse of money to plead at the bar of the House of Commons, and afterwards at the bar of the House of Lords. If your lordships, in your sacred character of the first tribunal in the world, should, by your judgment, justify those proceedings, you will sanction the greatest wrongs that have been ever known in history.

But to proceed. The next thing to be asked is, Were the promised pensions given to the jaghirdars? I suppose your lordships are not idle enough to put that question to us.—No compensation, no consideration was given or stipulated for them. If there had been any such thing, the prisoner could have proved it. He would have proved it. The means were easy to him, but we have saved him the trouble of the attempt. We have proved the contrary, and, if called upon, we will show you the place where this is proved.

I have now shown your lordships how Mr. Hastings, having with such violent and atrocious circumstances usurped the government of Oude, (I hope I need not use any farther proof that the nabob was in effect non-existent in the country,) treated all the landed property; the next question will be, How has he treated whatever moneyed property was left in the country? My lords, he looked over that immense waste of his own creating, not as Satan viewed the kingdoms of the world and saw the power and glory of them; but he looked over the waste of Oude, with a diabolical malice, which one could hardly suppose existed in the prototype himself. He saw no where above ground one single shilling, that he could attach; no, not one; every place had been ravaged; no money remained in sight; but possibly some might be buried in vaults, hid from the gripe of tyranny and rapacity. It must be so, says he, where can I find it? how can I get at it? There is one illustrious family, that is thought to have accumulated a vast body of treasures, through a course of three or four successive reigns. It does not appear openly; but we have good information that very great sums of money are bricked up and kept in vaults under ground, and secured under the guard and within the walls of a fortress; the residence of the females of the family, a guard, as your lordships know, rendered doubly and trebly secure by the manners of the country, which make every thing that is in the hands of women sacred. It is said, that nothing is proof against gold; that the strongest tower will not be impregnable if Jupiter makes love in a golden shower. This Jupiter commences making love, but he does not come to the ladies with gold for their persons, he comes to their persons for their gold. This impetuous lover, Mr. Hastings, who is not to be stayed from the objects of his passion, would annihilate space and time between him and his beloved object, the jaghires of these ladies.

Your lordships have already had a peep behind the curtain,

in the first orders sent to Mr. Middleton. In the treaty of Chunar you see a desire, obliquely expressed, to get the landed estates of all these great families. But even while he was meeting with such reluctance in the nabob upon this point, and though he also met with some resistance upon the part even of Mr. Middleton, Mr. Hastings appears to have given him in charge some other still more obnoxious and dreadful acts. "While I was meditating," says Mr. Middleton, in one of his letters, upon this, [the resumption of the jaghires] "your orders came to me through Sir Elijah Impey." What these orders were, is left obscure in the letter: it is yet but as in a mist or cloud. But it is evident that Sir Elijah Impey did convey to him some project for getting at more wealth by some other service, which was not to supersede the first, but to be concurrent with that upon which Mr. Hastings had before given him such dreadful charges, and had loaded him with such horrible responsibility. It could not have been any thing but the seizure of the begum's treasures. He thus goaded on two reluctant victims, first the reluctant nabob, then the reluctant Mr. Middleton, forcing them with the bayonet behind them, and urging on the former, as at last appears, to violate the sanctity of his mother's house.

Your lordships have been already told by one of my able fellow-managers, that Sir Elijah Impey is the person who carried up the message alluded to in Mr. Middleton's letter; we have charged it as an aggravation of the offences of the prisoner at your bar, that the chief justice, who, by the sacred nature of his office, and by the express provisions of the act of parliament, under which he was sent out to India to redress the wrongs of the natives, should be made an instrument for destroying the property, real and personal, of this people. When it first came to our knowledge that all this private intrigue, for the destruction of these high women, was carried on through the intrigue of a chief justice, we felt such shame and such horror, both for the instrument and the principal, as

I think it impossible to describe, or for any thing but complete and perfect silence to express.

But by Sir Elijah Impey was that order carried up to seize and confiscate the treasures of the begums. We know, that neither the company nor the nabob had any claim whatever upon these treasures. On the contrary, we know that two treaties had been made for the protection of them. We know that the nabob, while he was contesting about some elephants and carriages, and some other things that he said were in the hands of their steward, did allow that the treasures in the custody of his grandmother and of his mother's principal servants, were their property. This is the nabob, who is now represented by Mr. Hastings and his counsel, to have become the instrument of destroying his mother, and grandmother, and every thing else, that ought to be dear to mankind, throughout the whole train of his family.

Mr. Hastings, having resolved to seize upon the treasures of the begums, is at a loss for some pretence of justifying the act. His first justification of it is on grounds which all tyrants have ready at their hands. He begins to discover a legal title to that of which he wished to be the possessor; and on this title sets up a claim to these treasures. I say Mr. Hastings set up this claim, because by this time I suppose your lordships will not bear to hear the nabob's name on such an occasion. The prisoner pretended, that by the Mahomedan law, these goods did belong to the nabob; but whether they did or did not, he had himself been an active instrument in the treaty for securing their possession to the begums; a security which he attempts to unlock by his constructions of the Mahomedan law. Having set up this title, the guaranty still remained, and how is he to get rid of that? In his usual way. You have rebelled; you have taken up arms against your own son, (for that is the pretext,) and therefore my guaranty is gone, and your goods, whether you have a title to them or not, are to be confiscated for

your rebellion; this is his second expedient by way of justification.

Your lordships will observe the strange situation in which we are here placed. If the fact of the rebellion can be proved, the discussion of the title to the property in question will be totally useless; for if the ladies had actually taken up arms to cut the nabob's throat, it would require no person to come from the dead to prove to us, that the nabob, but not Mr. Hastings, had a right, for his own security and for his own indemnification, to take those treasures, which, whether they belonged to him or not, were employed in hostilities against him. The law of self-defence is above every other law; and if any persons draw the sword against you, violence on your part is justified, and you may use your sword to take from them that property by which they have been enabled to draw their sword against you.

But the prisoner's counsel do not trust to this justification; — they set up a title of right to these treasures; but how entirely they have failed in their attempts to substantiate either the one or the other of these his alleged justifications, your lordships will now judge. And first with regard to the title; the treasure, they say, belonged to the state. The grandmother and mother have robbed the son, and kept him out of his rightful inheritance. They then produce the Hedaia to show you what proportion of the goods of a Mussulman when he dies goes to his family, and here certainly there is a question of law to be tried; but Mr. Hastings is a great eccentric genius, and has a course of proceeding of his own; he first seizes upon the property and then produces some Mahomedan writers to prove that it did not belong to the persons who were in possession of it. You would naturally expect that when he was going to seize upon those goods, he would have consulted his chief justice, for as Sir Elijah Impey went with him, he might have consulted him; and have thus learnt what was the Mahomedan law. For though Sir Elijah had not taken his degree at a Mahomedan

college; though he was not a mufti or a molavie, yet he had always muftis and molavies near him, and he might have consulted them. But Mr. Hastings does not even pretend that such consultations or conferences were ever had. If he ever consulted Sir Elijah Impey, where is the report of the case, when were the parties before him? Where are the opinions of the molavies? Where is the judgment of the chief justice? Was he fit for nothing, but to be employed as a messenger, as a common tipstaff? Was he not fit to try these rights or to decide upon them? He has told you here indeed negatively, that he did not know any title Mr. Hastings had to seize upon the property of the begums, except upon his hypothesis of the rebellion. He was asked, if he knew any other. He answered no. It consequently appears, that Mr. Hastings, though he had before him his doctors of all laws, who could unravel for him all the enigmas of all the laws in the world, and who had himself shone upon questions of Mahomedan law, in the case of the Nudea Begum; did not dare to put this case to Sir Elijah Impey, and ask what was his opinion concerning the rights of these people; he was tender, I suppose, of the reputation of the chief justice. For Sir Elijah Impey, though a very good man to write a letter, or take an affidavit in a corner, or run on a message, to do the business of an under-sheriff, tipstaff, or bum-bailiff, was not fit to give an opinion on a question of Mahomedan law.

You have heard Ali Ibrahim Khân referred to; this Mahomedan lawyer, was carried by Mr. Hastings up to Benares, to be a witness of the vast good he had done in that province, and was made chief justice there. All indeed, that we know of him, except the high character given of him by Mr. Hastings, is, I believe, that he is the Ali Ibrahim Khân, whom in the company's records I find mentioned as a person giving bribes upon some former occasion to Mr. Hastings; but whatever he was besides, he was a doctor of the Mahomedan law, he was a mufti, and was made by Mr. Hastings the

principal judge in a criminal court, exercising (as I believe) likewise a considerable civil jurisdiction, and therefore he was qualified as a lawyer; and Mr. Hastings cannot object to his qualifications either of integrity or of knowledge. This man was with him. Why did not he consult him upon this law? Why did he not make him out a case of John Doe and Richard Roe, of John Stokes and John a Nokes? Why not say Sinub possesses such things, under such and such circumstances, give me your opinion upon the legality of the possession. No; he did no such thing.

Your lordships, I am sure, will think it a little extraordinary, that neither this chief justice made by himself, nor that other chief justice whom he led about with him in a string; the one an English chief justice, with a Mahomedan suit, in his court; the other a Mahomedan chief justice of the country; that neither of them was consulted as lawyers by the prisoner. Both of them were indeed otherwise employed by him. For we find Ali Ibrahim Khân employed in the same subservient capacity in which Sir Elijah Impey was; in order, I suppose, to keep the law of England and the law of Mahomet upon a just par; for upon this equality Mr. Hastings always values himself. Neither of these two chief justices, I say, was ever consulted, nor one opinion taken; but they were both employed in the correspondence and private execution of this abominable project, when the prisoner himself had not either leisure or perhaps courage to give his public order in it till things got to greater ripeness.

To Sir Elijah Impey, indeed, he did put a question; and, upon my word, it did not require an Œdipus or a Sphinx to answer it. Says he, I asked Sir Elijah Impey—What? a question on the title between the nabob and his mother? No such thing. He puts an hypothetical question. Supposing, says he, a rebellion to exist in that country; will the nabob be justified in seizing the goods of the rebels? That is a question decided in a moment; and I must have a malice to Sir Elijah Impey, of which I am incapable, to deny the

propriety of his answer. But observe, I pray you, my lords, there is something peculiarly good and correct in it; he does not take upon him to say one word of the actual existence of a rebellion, though he was at the time in the country, and if there had been any, he must have been a witness to it; but so chaste was his character as a judge, that he would not touch upon the juries' office. I am chief justice here, says he, though a little wandering out of my orbit; yet still the sacred office of justice is in me. Do you take upon you the fact; I find the law. Were it not for this sacred attention to separate jurisdictions, he might have been a tolerable judge of the fact. Just as good a judge as Mr. Hastings; for neither of them knew it any other way, as it appears afterwards, but by rumor and reports;—reports, I believe, of Mr. Hastings's own raising; for I do not know that Sir Elijah Impey had any thing to do with them.

But to proceed. With regard to the title of these ladies, according to the Mahomedan law;—you have nothing laid before you by the prisoner's counsel, but a quotation cut out with the scissors from a Mahomedan law book, (which I suspect very much the learned gentlemen have never read through,) declaring how a Mahomedan's effects are to be distributed. But Mr. Hastings could not, at the time, have consulted that learned counsel who now defends him upon the principles of the Hedaia, the Hedaia not having been then published in English; and I will venture to say, that neither Sir Elijah Impey, nor Ali Ibrahim Khân, nor any other person, high or low, in India, ever suggested this defence; and that it was never thought of, till lately found by the learned counsel in the English translation of the Hedaia. God bless me! now says Mr. Hastings. What ignorance have I been in all this time! I thought I was seizing this unjustly, and that the pretence of rebellion was necessary; but my counsel have found out a book, since published, and from it they produce the law upon that subject, and show that the nabob had a right to seize upon the

treasures of his mother. But are your lordships so ignorant —your lordships are not ignorant of any thing,—are any men so ignorant as not to know, that in every country the common law of distribution of the estate of an intestate amongst private individuals is no rule with regard to the family arrangements of great princes. Is any one ignorant, that, from the days of the first origin of the Persian monarchy, the laws of which have become rules ever since for almost all the monarchs of the East, the wives of great men have had, independent of the common distribution of their goods, great sums of money and great estates in land, one for their girdle, one for their veil, and so on, going through the rest of their ornaments and attire; and that they held great estates and other effects, over which the reigning monarch or his successor had no control whatever. Indeed, my lords, a more curious and extraordinary species of trial than this of a question of right, never was heard of since the world began. Mr. Hastings begins with seizing the goods of the begums at Fyzabad, nine thousand miles from you, and fourteen years after tries the title in an English court, without having one person to appear for these miserable ladies. I trust you will not suffer this mockery. I hope this last and ultimate shame will be spared us: for, I declare to God, that the defence, and the principles of it, appear to me ten thousand times worse than the act itself.

Now, my lords, this criminal, through his counsel, chooses with their usual flippancy to say, that the Commons have been *cautious* in stating this part of the charge, knowing that they were on tender ground, and therefore did not venture to say *entitled*, but *possessed* of only. A notable discovery indeed! We are as far from being taken in by such miserable distinctions as we are incapable of making them. We certainly have not said that the begums were entitled to, but only that they were possessed of, certain property. And we have so said because we were not competent to decide upon their title; because your lordships are not competent to

decide upon their title; because no part of this tribunal is competent to decide upon their title. You have not the parties before you; you have not the cause before you, but are getting it by oblique, improper, and indecent means. You are not a court of justice, to try that question. The parties are at a distance from you. They are neither present themselves, nor represented by any counsel, advocate, or attorney: and I hope no House of Lords will ever judge and decide upon the title of any human being, much less upon the title of the first women in Asia, sequestered, shut up from you, at nine thousand miles distance.

I believe, my lords, that the emperor of Hindostan little thought, while Delhi stood, that an English subject of Mr. Hastings's description should domineer over the vizier of his empire, and give the law to the first persons in his dominions. He as little dreamed of it as any of your lordships now dream, that you shall have your property seized by a delegate from Lucknow, and have it tried by what tenure a peer or peeress of Great Britain hold, the one his estate, and the other her jointure, dower, or her share of goods, her paraphernalia, in any court of adawlet in Hindostan. If any such thing should happen,—for we know not what may happen; we live in an age of strange revolutions, and I doubt whether any more strange than this,—the Commons of Great Britain would shed their best blood, sooner than suffer that a tribunal at Lucknow should decide upon any of your titles, for the purpose of justifying a robber, that has taken your property. We should do the best we could, if such a strange circumstance occurred.

The House of Commons, who are virtually the representatives of Lucknow, and who lately took £500,000 of their money, will not suffer the natives first to be robbed of their property, and then the titles, which, by the laws of their own country, they have to the goods they possess, to be tried by any tribunal in Great Brittain. Why was it not tried in India before Mr. Hastings? One would suppose that an Eng-

lish governor, if called to decide upon such a claim of the nabob's, would doubtless be attended by judges, muftis, lawyers, and all the apparatus of legal justice.—No such thing: this man marches into the country, not with molavies, not with muftis, not with the solemn apparatus of oriental justice:—no; he goes with colonels and captains, and majors: these are his lawyers; and when he gets there, he demands from the parties, not their title.—No: give me your money, is his cry. It is a shame, (and I will venture to say, that these gentlemen, upon recollection, will feel ashamed,) to see the bar justify what the sword is ashamed of. In reading this correspondence, I have found these great muftis and lawyers, these great chief justices, attornies-general, and solicitors-general, called colonels and captains, ashamed of these proceedings, and endeavoring to mitigate their cruelty; yet we see British lawyers in a British tribunal supporting and justifying these acts, on the plea of defective titles.

The learned counsel asks, with an air of triumph, whether these ladies possessed these treasures by jointure, dower, will, or settlement. What was the title? Was it a deed of gift —was it a devise—was it *donatio causa mortis*—was it dower—was it jointure—What was it? To all which senseless and absurd questions we answer, You asked none of these questions of the parties, when you guarantied to them, by a solemn treaty, the possession of their goods. Then was the time to have asked these questions: but you asked none of them. You supposed their right, and you guarantied it, though you might then have asked—what was their right. But besides the force and virtue of the guaranty, these unhappy princesses had ransomed themselves from any claim upon their property. They paid a sum of money, applied to your use, for that guaranty. They had a treble title—by possession, by guaranty, by purchase.

Again; did you ask these questions when you went to rob them of their landed estates, their money, their ornaments, and even their wearing apparel? When you sent those great

lawyers, major—major—and the other majors, and colonels, and captains, did you call on them to exhibit their title deeds? No—with a pistol at their breast, you demanded their money. Instead of forging a charge of rebellion against these unhappy persons, why did you not then call on them for their vouchers? No rebellion was necessary to give validity to a civil claim. What you could get by an ordinary judgment, did not want confiscation called to its aid. When you had their eunuchs, their ministers, their treasurers, their agents, and attornies in irons, did you then ask any of these questions? No—Discover the money you have in trust, or *you* go to corporal punishment—*you* go to the castle of Chunar—here is another pair of irons—this was the only language used.

When the court of directors, alarmed at the proceedings against these ancient ladies, ordered their Indian government to make an inquiry into their conduct, the prisoner had then an opportunity, and a duty imposed upon him, of entering into a complete justification of his conduct; he might have justified it by every civil, and by every criminal mode of process. Did he do this? No—Your lordships have in evidence the manner, equally despotic, *rebellious*, insolent, fraudulent, tricking, and evasive, by which he positively refused all inquiry into the matter. How stands it now, more than twelve years after the seizure of their goods—at ten thousand miles distance? You ask of these women, buried in the depths of Asia, secluded from human commerce, what is their title to their estate. Have you the parties before you? have you summoned them? where is their attorney? where is their agent? where is their counsel? Is this law? Is this a legal process? Is this a tribunal—the highest tribunal of all—that which is to furnish the example for, and to be a control on all the rest? But what is worse, you do not come *directly* to the trial of this right to property. You are desired to surround and circumvent it; you are desired obliquely to steal an iniquitous judgment, which you dare not

boldly ravish. At this judgment you can only arrive by a side wind. You have before you a criminal process against an offender; one of the charges against him is, that he has robbed matrons of high and reverend place. His defence is, that they had not the apt deeds to entitle them in law to this property. *In* this cause, with only the delinquent party before you, you are called upon to try their title on his allegations of its invalidity, and by acquitting him to divest them not only of their goods, but of their honor; to call them disseizors, wrong-doers, cheats, defrauders of their own son. No hearing for them, no pleading, all appeal cut off. Was ever a man, indicted for a robbery, that is, for the forcible taking of the goods possessed by another, suffered to desire the prosecutor to show the deeds, or other instruments, by which he acquired those goods? The idea is contemptible and ridiculous. Do these men dream? Do they conceive, in their confused imaginations, that you can be here trying such a question, and venturing to decide upon it? Your lordships will never do that, which if you did do, you would be unfit to subsist as a tribunal for a single hour; and if we, on our part, did not bring before you this attempt, as the heaviest aggravation of the prisoner's crimes, we should betray our trust, as representatives of the Commons of Great Britain. Having made this protest, in favor of law, of justice, and good policy, permit me to take a single step more.

I will now show your lordships that it is very possible, nay very probable, and almost certain, that a great part of what these ladies possessed was a saving of their own, and independent of any grant. It appears in the papers before you, that these unfortunate ladies had about £70,000 a year, landed property. Mr. Bristow states in evidence before your lordships, that their annual expenses did not exceed a lack and a half, and that their income was about seven lacks; that they had possessed this for twenty years before the death of Sujah Dowlah, and from the death of that prince to the day of the robbery. Now, if your lordships will calcu-

late what the savings from an income of £70,000 a year will amount to, when the party spends about £15,000 a year; you will see that by a regular and strict economy these people may have saved considerable property of their own, independent of their titles to any other property; and this is a rational way of accounting for their being extremely rich. It may be supposed, likewise, that they had all those advantages which ladies of high rank usually have in that country; gifts at marriage, &c. We know that there are deeds of gift by husbands to their wives during their lifetime, and many other legal means, by which women in Asia become possessed of very great property; but Mr. Hastings has taught them the danger of much wealth, and the danger of economy. He has shown them, that they are saving,—not for their families, for those who may possibly stand in the utmost need of it, but for tyrants, robbers, and oppressors.

My lords, I am really ashamed to have said so much upon the subject of their titles. And yet there is one observation more to be made, and then I shall have done with this part of the prisoner's defence. It is, that the nabob himself never has made a claim on this ground; even Mr. Hastings, his despotic master, could never get him regularly and systematically to make such a claim; the very reverse of this is the truth; when urged on to the commission of these acts of violence by Mr. Middleton, you have seen with what horror, and how reluctantly he lends his name, and when he does so, he is dragged like a victim to the stake. At the beginning of this affair, where do we find that he entered this claim, as the foundation of it. Upon one occasion only, when dragged to join in this wicked act, something dropped from his lips which seemed rather to have been forced into his mouth, and which he was obliged to spit out again, about the possibility that he might have had some right to the effects of the begums.

We next come to consider the manner in which these acts of violence were executed. They forced the nabob himself

to accompany their troops, and their resident, Mr. Middleton, to attack the city and to storm the fort in which these ladies lived, and consequently to outrage their persons, to insult their character, and to degrade their dignity, as well as to rob them of all they had.

That your lordships may learn something of one of these ladies called the Munny Begum, I will refer you to Major Brown's evidence; a man who was at Delhi, the fountain head of all the nobility of India, and must have known who this lady was, that has been treated with such indignity by the prisoner at your bar. Major Brown was asked, What was the opinion at Delhi respecting the rank, quality, and character of the princesses of Oude or of either of them? The elder, or Munny Begum, was, says he, a woman of high rank, she was, I believe, the daugter of Saadit Ali Khân, a person of high rank in the time of Mahomed Shah.—Do you know whether any woman in all Hindostan was considered of superior rank or birth? he answers, I believe not, except those of the royal family. She was a near relation to Mirza Shuffee Khân, who was a noble of nobles, the first person at that day in the empire. In answer to another question put by a noble lord, in the same examination, respecting the conversation which he had with Mirza Shuffee Khân, and of which he had given an account, he says, he (Mirza Shuffee Khân) spoke of the attempt to seize the treasures of the begums, which was then suspected, in terms of resentment and as a disgrace in which he participated, as being related by blood to the house of Suffder Jung, who was the husband of the old begum. He says afterwards, in the same examination, that he, the begum's husband, was the second man, and that her father was the first man, in the Mogul empire. Now the Mogul empire, when this woman came into the world, was an empire of that dignity, that kings were its subjects; and this very Mirza Shuffee Khân, that we speak of, her near relation, was then a prince with a million a year revenue; and a man of the first rank, after the Great Mogul, in the whole empire.

My lords, these were people that ought to have been treated with a little decorum. When we consider the high rank of their husbands, their fathers, and their children; a rank so high, that we have nothing in Great Britain to compare with theirs; we cannot be surprised that they were left in possession of great revenues, great landed estates, and great moneyed property. All the female parts of these families, whose alliance was, doubtless, much courted, could not be proffered in marriage, and endowed in a manner agreeably to the dignity of such persons, but with great sums of money; and your lordships must also consider the multitude of children of which these families frequently consisted. The consequences of this robbery were such as might naturally be expected. It is said, that not one of the females of this family has since been given in marriage.

But all this has nothing to do with the rebellion. If they had, indeed, rebelled to cut their own son's throat, there is an end of the business. But what evidence have you of this fact; and if none can be produced, does not the prisoner's defence aggravate infinitely his crime and that of his agents? Did they ever once state to these unfortunate women, that any such rebellion existed? Did they ever charge them with it? Did they ever set the charge down in writing, or make it verbally, that they had conspired to destroy their son, a son whom Mr. Hastings had brought there to rob them? No, this was what neither Mr. Hastings nor his agent ever did; for as they never made a civil demand upon them, so they never made a criminal charge against them, or against any person belonging to them.

I save your lordships the trouble of listening to the manner in which they seized upon these people, and dispersed their guard. Mr. Middleton states, that they found great difficulties in getting at their treasures; that they stormed their forts successively, but found great reluctance in the sepoys to make their way into the inner inclosures of the women's apartments. Being at a loss what to do, their only resource,

he says, was to threaten that they would seize their eunuc
These are generally persons who have been bought slav
and who, not having any connexions in the country wh
they are settled, are supposed to guard both the honor of
women, and their treasures, with more fidelity than otl
persons would do. We know, that in Constantinople, a
in many other places, these persons enjoy offices of
highest trust, and are of great rank and dignity; and t
dignity and rank they possess for the purpose of enabli
them to fulfil their great trusts more effectually. The t
principal eunuchs of the begums were Jowar and Behar
Khân, persons of as high rank and estimation as any peo
in the country. These persons, however, were seized, n
says Mr. Hastings, for the purpose of extorting money,
assumed in the charge, but as agents and principal inst
ments of exciting the insurrection before alluded to, &c. I
Hastings declares, that they were not seized for the purp
of extorting money; but that they were seized in order
be punished for their crimes, and, *eo nomine*, for this cri
of rebellion. Now this crime could not have been commit
immediately by women themselves; for no woman can co
forward, and head her own troops. We have not heard tl
any woman has done so since the time of Zenobia, in anot
part of the East; and we know that in Persia, no person c
behold the face of a woman of rank, or speak to fema
of condition, but through a curtain; therefore they cou
not go out themselves, and be active in a rebellion. But
own, it would be some sort of presumption against them
Jewar Ali Khân and Behar Ali Khân had headed troops, a
been concerned in acts of rebellion; and the prisoner's cou
sel have taken abundance of pains to show, that such perso
do sometimes head armies and command legions in the Ea
This we acknowledge that they sometimes do. If the
eunuchs had behaved in this way, if they had headed armi
and commanded legions, for the purposes of rebellion,
would have been a fair presumption that their mistresses we

concerned in it. But instead of any proof of such facts, Mr. Hastings simply says, we do not arrest them for the purpose of extorting money, but as a punishment for their crimes. By Mr. Middleton's account you will see the utter falsity of this assertion. God knows what he has said that is true. It would indeed be singular not to detect him in a falsity, but in a truth. I will now show your lordships the utter falsity of this wicked allegation.

There is a letter from Mr. Middleton to Sir Elijah Impey, dated Fyzabad, the 25th of January, 1782, to which I will call your lordships' attention.

"Dear Sir Elijah, I have the satisfaction to inform you, that we have at length so far obtained the great object of our expedition to this place, as to commence on the receipt of money, of which, in the course of this day, we have got about six lacks. I know not yet what amount we shall actually realize, but I think I may safely venture to pronounce, it will be equal to the liquidation of the company's balance. It has been at once the most important and the most difficult point of duty which has ever occurred in my office; and the anxiety, the hopes, and fears, which have alternately agitated my mind, cannot be described or conceived, but by those who have been witness to what has passed in the course of this long contest. The [nabob's] ministers have supported me nobly, and deserve much commendation. Without the shrewd discernment and knowledge of the finesse and tricks of the country which Hyder Beg Khân possesses, I believe we should have succeeded but indifferently; for I soon found that no real advantage was to be obtained by proceeding at once to violent extremities with the begum, and that she was only to be attacked through the medium of her confidential servant, who it required considerable address to get hold of. However, we at last effected it; and by using some few severities with them, we at length came at the secret hoards of this old lady. I will write you more particulars hereafter.

"I am sorry to inform you, my little boy still continues in a very precarious way, though somewhat better than when I had last the honor to address you. My respects to Lady Impey. And believe me, with great regard, my dear Sir Elijah, your faithful, obliged, and most affectionate humble servant,

"NATHANIEL MIDDLETON."

My lords, we produce this letter to your lordships, because it is a letter which begins with "*Dear Sir Elijah,*" and alludes to some family matters, and is therefore more likely to discover the real truth, the true genus of a proceeding, than all the formal and official stuff that ever was produced. You see the tenderness and affection in which they proceed. You see it is his *dear Sir Elijah.* You see that he does not tell the dear Sir Elijah, the chief justice of India, the pillar of the law, the great conservator of personal liberty and private property,—he does not tell him that he has been able to convict these eunuchs of any crime; he does not tell him he has the pleasure of informing him what matter he has got, upon which a decision at law may be grounded; he does not tell him that he has got the least proof of the want of title in those ladies: not a word of the kind. You cannot help observing the soft language used in this tender billet-doux between Mr. Middleton and Sir Elijah Impey. You would imagine that they were making love, and that you heard the voice of the turtle in the land. You hear the soft cooing, the gentle addresses. Oh, my hopes to-day, my fears to-morrow, all the language of friendship almost heightened into love; and it comes at last to "*I have got at the secret hoards of these ladies.*" Let us rejoice, my dear Sir Elijah; this is a day of rejoicing; a day of triumph; and this triumph we have obtained by seizing upon the old lady's eunuchs, in doing which, however, we found a great deal of difficulty. You would imagine from this last expression, that it was not two eunuchs, with a few miserable women clinging about

them, that they had to seize, but that they had to break through all the guards which we see lovers sometimes breaking through, when they want to get at their ladies. Hardly ever did the beauty of a young lady excite such rapture; I defy all the charms this country can furnish, to produce a more wonderful effect than was produced by the hoards of these two old women, in the bosoms of Sir Elijah Impey and Mr. Middleton. "We have got," he exultingly says, "we have got to the secret hoards of this old lady;" and I verily believe, there never was a passion less dissembled; there nature spoke; there was truth triumphant, honest truth. Others may feign a passion; but nobody can doubt the raptures of Mr. Hastings, Sir Elijah Impey, and Mr. Middleton.

My lords, one would have expected to have found here something of their crimes; something of their rebellion; for he talks of a few "necessary severities." But no; you find the real criminal, the real object was the secret hoards of the old ladies. It is true *a few severities* were necessary to obtain that object; however, they did obtain it. How then did they proceed?—First, they themselves took and received, in weight and tale, all the money that was in the place; I say *all*, for whether there was any more, they never have discovered, with all their search, from that day to this. Therefore we fairly presume, that they had discovered all that there was to discover, with regard to money. They next took, from these unfortunate people, an engagement for the amount of treasure, at a definite sum, without knowing whether they had it or not; whether they could procure it or not. The Bow Begum has told us, as your lordships have it in evidence, that they demanded from her a million of money; that she, of course, denied having any such sums; but Mr. Middleton forced her unfortunate eunuchs or treasurers, by some *few severities*, to give their bond for £600,000.

You would imagine, that when these eunuchs had given

up all that was in their power, when they had given a bond for what they had not, (for they were only the treasurers of other people,) that the bond would not have been rigidly exacted. But what do Mr. Hastings and Mr. Middleton as soon as they get their plunder? They went to their own assay-table, by which they measured the rate of exchange between the coins in currency at Oude and those at Calcutta, and add the difference to the sum for which the bond was given. Thus they seize the secret hoards; they examine it as if they were receiving a debt; and they determine what this money would and ought to produce at Calcutta: not considering it as coming from people who gave all they had to give, but as what it would produce at the mint at Calcutta, according to a custom made for the profit of the residents; even though Mr. Hastings, upon another occasion, charged upon Mr. Bristow as a crime, that he had made that profit. This money, my lords, was taken to that assay-table, which they had invented for their own profit, and they made their victims pay a rupee and a half batta, or exchange of money, upon each gold mohur; by which, and other charges, they brought them £60,000 more in debt; and forced them to give a bond for that £60,000.

Your lordships have seen in what manner these debts were contracted; and that they were contracted by persons engaging not for themselves, for they had nothing; all their property was, apparently, their mistresses'. You will now see in what manner the payment of them was exacted, and we shall beg leave to read to you their own accounts of their own proceedings. Your lordships will then judge whether they were proceeding against rebels as rebels, or against wealthy people as wealthy people, punishing them under pretence of crimes, for their own profit.

In a letter from Mr. Middleton to Mr. Hastings, after two other paragraphs, he goes on thus:—"It remained only to get possession of her wealth; and to effect this, it was then, and is still my firm and unalterable opinion, that it was in-

dispensably necessary to employ temporizing expedients, and to work upon the hopes and fears of the begum herself, and more especially upon those of her principal agents, through whose means alone there appeared any probable chance of our getting access to the hidden treasures of the late vizier; and when I acquaint you, that by far the greatest part of the treasure which has been delivered to the nabob, was taken from the most secret recesses in the houses of the two eunuchs, whence, of course, it could not have been extracted without the adoption of those means which could induce the discovery, I shall hope for your approbation of what I did; I must also observe, that no further rigor than that which I exerted could have been used against females in this country, to whom there can be no access; the nabob and Solar Jung were the only two that could enter the zenana; the first was a son, who was to address a parent; and, of course, could use no language or action but that of earnest and reiterated solicitation; and the other was, in all appearance, a traitor to our cause. Where force could be employed it was not spared; the troops of the begum were driven away and dispersed; their guns taken; her fort, and the outward walls of her house seized and occupied by our troops, at the nabob's requisition, and her chief agents imprisoned and put in irons. No further step was left. And in this situation they still remain, and are to continue, (excepting only a remission of the irons,) until the final liquidation of the payment; and if then you deem it proper, no possible means of offence being left in her hands, or those of her agents, all her lands and property having been taken, I mean, with your sanction, to restore her house and servants to her, and hope to be favored with your early reply, as I expect that a few days will complete the final surrender of all that is further expected from the begum."

There are some things in this letter which I shall beg your lordships to remark;—there is mention made of a few pre-

liminary severities used by Mr. Middleton, in order to get at their money; well, he did get at the money, and he got a bond for the payment of an additional sum, which they thought proper to fix at about £600,000, to which was added another usurious bond for £60,000; and in order to extort these forced bonds, and to make up their aggravated crimes of usury, violence, and oppression, they put these eunuchs into prison, without food and water, and loaded their limbs with fetters:—this was their second imprisonment; and what followed these few severities, your lordships will remark—still more severities. They continued to persecute, to oppress, to work upon these men, by torture, and by the fear of torture; till at last, having found that all their proceedings were totally ineffectual, they desire the women to surrender their house; though it is in evidence before you, that to remove a woman from her own house to another house, without her consent, is an outrage of the greatest atrocity, on account of which many women have not only threatened, but have actually put themselves to death. Mr. Hastings, himself, in the case of Munny Begum, had considered such a proposition, as the last degree of outrage that could be offered. These women offered to go from house to house while their residence was searched; but, no, say their tormentors, the treasure may be bricked up in so large a house in such a manner that we cannot find it.

But to proceed with the treatment of these unfortunate men. I will read to your lordships a letter of Mr. Middleton to Captain Leonard Jaques, commanding at Fyzabad; 18th March, 1782.

"Sir,—I have received your letter of the 13th instant; the two prisoners, Behar and Jewar Ali Khân, having violated their written solemn engagement with me, for the payment of the balance due to the honorable company, on the nabob's assignments, accepted by them, and declining giving me any satisfactory assurances on that head, I am under the disagree-

able necessity of recurring to severities to enforce the said payment. This is therefore to desire that you immediately cause them to be put in irons, and kept so until I shall arrive at Fyzabad, to take further measures, as may be necessary."

Here is the answer of Captain Jaques to Mr. Middleton.

"April 23d, 1782.

"SIR,—Allow me the honor of informing you, that the place the prisoners, Behar Ali Khân and Jewar Ali Khân, are confined in, is become so very unhealthy, by the number obliged to be on duty in so confined a place at this hot season of the year, and so situated, that no reduction can, with propriety, be made from their guard, it being at such a distance from the battalion."

You see, my lords, what a condition these unfortunate persons were in at that period—you see they were put in irons, in a place highly unhealthy; and from this you will judge of the treatment which followed the *few severities*. The first yielded a bond for £600,000; the second, a bond for £60,000; the third was intended to extort the payment of these bonds, and completed their series.

I will now read a letter from Captain Jaques to Mr. Middleton, from the printed minutes; dated Palace, Fyzabad, May 18th, 1782, consequently written nearly a month after the former.

"SIR,—The prisoners, Behar and Jewar Ali Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined, to assist the medicine in its operation. Now, as I am sure they would be equally as secure without their irons as with

them, I think it my duty to inform you of this request, and desire to know your pleasure concerning it.

(signed) "LEONARD JAQUES."

On the 22d of May, 1782, Captain Jaques's humane proposal is thus replied to by Mr. Middleton :—"I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation, while they persist in a breach of their contract with me; and indeed no indulgence could be shown them without the authority of the nabob, who, instead of consenting to moderate the rigors of their situation, would be most willing to multiply them.

(signed) "NATHANIEL MIDDLETON."

I will now call your lordships' attention to other letters, connected with this transaction.

Letter from Major Gilpin to Mr. Middleton, June 5th, 1782.

"SIR,—Agreeably to your instructions, I went to the prisoners, Behar and Jewar Ali Khân, accompanied by Hoolas Roi, who read the papers respecting the balance now due, &c. &c.

"In general terms they expressed concern at not being able to discharge the same without the assistance of the begum, and requested indulgence to send a message to her on that subject, and in the evening they would give an answer.

"I went at the time appointed for the answer, but did not receive a satisfactory one; in consequence of which I desired them to be ready, at the shortest notice, to proceed to Lucknow; and explained to them every particular contained in your letter of the 1st instant, respecting them.

Yesterday morning I sent for Lataffit Ali Khân, and de-

sired him to go to the Bow Begum, and deliver the substance of my instructions to her, which he did, and returned with the enclosed letter from her. From some circumstances, which I have heard to-day, I am hopeful the prisoners will soon think seriously of their removal, and pay the balance rather than submit themselves to an inconvenient journey to Lucknow."

To Major Gilpin commanding at Fyzabad, from Mr. Middleton:—"Sir, I have been favored with your letter of the fifth instant, informing me of the steps you had taken, in consequence of my instructions of the first, and covering a letter from the Bow Begum, which is so unsatisfactory, that I cannot think of returning an answer to it. Indeed, as all correspondence between the begum and me has long been stopped, I request you will be pleased to inform her that I by no means wish to resume it, or maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due.

"I have now, in conformity to my former instructions, to desire that the two prisoners, Behar and Jewar Ali Khân, may be immediately sent under a sufficient guard to Lucknow, unless, upon your imparting to them this intimation, either they or the begum should actually pay the balance, or give you such assurances or security for the assets to be immediately forthcoming, as you think can be relied upon; in which case you will of course suspend the execution of this order."

Mr. Richard Johnson to Major Gilpin; Lucknow, 24th June, 1782:—"Sir, I have received the honor of your letter of the 20th. The prisoners arrived here this morning; Lieutenant Crow has delivered them over to Captain Waugh, and returns to you in a day or two.

"I think their hint to you a very good one, and worth improving upon; was the Bow Begum to think that she must

go to Allahabad, or any other place, while her palace is searched for the hidden treasure of the late vizier; it might go further than any other step that can be immediately taken towards procuring payment of the balance outstanding.

"The prisoners are to be threatened with severities to-morrow, to make them discover where the balance may be procurable, the fear of which may possibly have a good effect; and the apprehensions of the begum, lest they should discover the hidden treasure, may induce her to make you tenders of payment, which you may give any reasonable encouragement to promote that may occur to you.

"The jaghire cannot be released to her on any other terms, nor even to the nabob, until the five lacks for which it was granted be paid up; and the prisoners must also be detained until the full fifty lacks be liquidated; consequently nothing but the fear of an increase of demand, upon breach of the first engagement on her part, will induce her to prompt payment."

Letter from Mr. Richard Johnson to the commanding officer of the guard; Lucknow, 23d July, 1782:—"Sir, Some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security. You will therefore be pleased to be very strict in guarding them; and I herewith send another pair of fetters, to be added to those now upon the prisoners."

Letter from Robert Steere Allen to Richard Johnson, Esq., acting resident; Lucknow, 23d July, 1782:—"Sir, I have received your instructions, and ordered the fetters to be added; but they are by much too small for their feet. The utmost regard shall be paid to the security of the prisoners. I have sent back the fetters, that you may have them altered, if you think proper."

Letter from Mr. Johnson to the officer commanding the guard; Lucknow, 28th June, 1782:—"Sir, The nabob, having determined to inflict corporal punishment upon the prisoners under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and be permitted to do with them as they shall see proper, only taking care that they leave them always under your charge."

I will now trouble your lordships with the following passages from Mr. Holt's evidence:—"*Q.* Did you ever see the two ministers of the begum?—*A.* I saw them brought into Lucknow.—*Q.* In what situation were they when you saw them brought into Lucknow?—*A.* They were brought in their palanquins, attended by a guard of sepoys.—*Q.* Under whose command were the sepoys?—*A.* That they were brought in by?—*Q.* Yes.—*A.* I do not recollect.—*Q.* Were those sepoys, that brought in the prisoners, part of the nabob's army, or were they any British troops?—*A.* To the best of my recollection, they were detached from a regiment then stationed at Fyzabad.—*Q.* In whose service was that regiment?—*A.* In the Company's.—*Q.* Were they imprisoned in any house near that in which you resided?—*A.* They were imprisoned immediately under the window of the house in which I resided, close to it.—*Q.* Did you, or did you not, ever see any preparations made for any corporal punishment?—*A.* I saw something of a scaffolding.—*Q.* For what purpose?—*A.* I heard it was for the purpose of tying them up.—*Q.* Whose prisoners did you consider these men to be?—*A.* I considered them as prisoners of the resident; they were close to his house, and under an European officer."

Your lordships have now seen the whole process, except one dreadful part of it, which was the threatening to send the begum to the castle at Chunar. After all these cruelties, after all these menaces of further cruelties, after erecting a

scaffold for actually exercising the last degree of criminal punishment, namely, by whipping these miserable persons in public; after every thing has been done but execution, our inability to prove by evidence this part of their proceedings has secured to your lordships a circumstance of decorum observed on the stage, where murders, executions, whippings, and cruelties are performed behind the scenes. I know as certainly as a man can know such a thing, from a document which I cannot produce in evidence here; but I have it in the hand-writing of the resident, Mr. Bristow, that Behar Ali Khân was actually scourged in the manner that we speak of. I had it in writing in the man's hand; I put the question to him, but he refused to answer it, because he thought it might criminate himself, and criminate us all; but if your lordships saw the scaffold erected for the purpose, and of this we have evidence, would you not necessarily believe that the scourging did follow? All this was done in the name of the nabob; but if the nabob is the person claiming his father's effects, if the nabob is the person vindicating a rebellion against himself upon his nearest relations, why did he not in person take a single step in this matter? Why do we see nothing but his abused name in it? We see no order under his own hand. We see all the orders given by the cool Mr. Middleton, by the outrageous Mr. Johnson, by all that gang of persons that the prisoner used to disgrace the British name. Who are the officers that stormed their fort? who put on the irons? who sent them? who supplied them? They are all, all English officers. There is not an appearance, even of a minister of the nabob's, in the whole transaction. The actors are all Englishmen; and we, as Englishmen, call for punishment upon those who have thus degraded and dishonored the English name.

We do not use torture or cruelties, even for the greatest crimes, but have banished them from our courts of justice; we never suffer them in any case. Yet those men, in order to force others to break their most sacred trust, inflict tortures

upon them. They drag their poor victims from dungeon to dungeon, from one place of punishment to another; and wholly on account of an extorted bond; for they owed no money, they could not owe any; but to get this miserable balance of £60,000 founded upon their tables of exchange; after they had plundered these ladies of £500,000 in money, and £70,000 a year in land, they could not be satisfied without putting usury and extortion upon tyranny and oppression. To enforce this unjust demand, the miserable victims were imprisoned, ironed, scourged, and at last threatened to be sent prisoners to Chunar. This menace succeeded. The persons who had resisted irons, who had been, as the begums say, refused food and water, stowed in an unwholesome, stinking, pestilential prison, these persons withstood every thing till the fort of Chunar was mentioned to them; and then their fortitude gave way; and why? The fort of Chunar was not in the dominions of the nabob, whose rights they pretended to be vindicating; to name a British fort, in their circumstances, was to name every thing that is most horrible in tyranny; so at least it appeared to them. They gave way; and thus were committed acts of oppression and cruelty unknown, I will venture to say, in the history of India. The women indeed could not be brought forward and scourged, but their ministers were tortured, till, for their redemption, these princesses gave up all their clothes, all the ornaments of their persons, all their jewels, all the memorials of their husbands and fathers, all were delivered up, and valued by merchants at £50,000; and they also gave up £5,000 in money, or thereabouts; so that in reality only about £5,000, a mere nothing, a sum not worth mentioning, even in the calculations of extortion and usury, remained unpaid.

But, my lords, what became of all this money? When you examine these witnesses here, they tell you it was paid to Hyder Beg Khân. Now, they had themselves received the money in tale at their own assay-table; and when an account is demanded of the produce of the goods, they

shrink from it, and say it was Hyder Beg Khân who received the things, and sold them. Where is Hyder Beg Khan's receipt? The begums say, (and the thing speaks for itself,) that even gold and jewels coming from them lost their value; that part of the goods were spoilt, being kept long unsold in damp and bad warehouses; and that the rest of the goods were sold, as thieves sell their spoil, for little or nothing. In all this business, Mr. Hastings and Mr. Middleton were themselves the actors, chief actors; but now, when they are called to account, they substitute Hyder Beg Khân in their place, a man that is dead and gone; and you hear nothing more of this part of the business.

But the sufferings of these eunuchs did not end here; they were, on account of this odd £5,000, confined for twelve months, not prisoners at large, like this prisoner who thrusts his sore leg into your lordships' faces every day, but in harsh and cruel confinement. These are the persons that I feel for. It is their dungeon, it is their unrevenged wrongs that move me. It is for these innocent, miserable, unhappy men, who were guilty of no offence but fidelity to their mistresses, in order to vex and torture whom (the first women in Asia) in the persons of their ministers, these cruelties were exercised; these are they for whom I feel, and not for the miserable sore leg or whining cant of this prisoner. He has been the author of all these wrongs; and if you transfer to him any of the sympathy you owe to these sufferers, you do wrong—you violate compassion. Think of their irons. Has not this criminal, who put on these irons, been without one iron? Has he been threatened with torture? Has he been locked up without food and water? Have his sufferings been aggravated as the sufferings of these poor men were aggravated? What punishment has been inflicted, and what can be inflicted, upon him in any manner commensurate with the atrocity of his crimes?

At last, my lords, these unhappy men were released. Mr. Bristow, who had been sent to Lucknow, writes to Mr Hast-

ings, and informs him, that severities could do no more; that imprisonments and menaces, could get no more money. I believe not; for I doubt much whether any more was to be got. But whether there was, or not, all the arts of extortion, fortified by all the arts of tyranny, of every name and species, had failed, and therefore Mr. Bristow released the prisoners; but without any warrant for so doing from Mr. Hastings, who, after having received this letter from Mr. Bristow, gets the supreme council to order these very severities to be continued, till the last farthing was paid. In order to induce the council to sanction this measure, he suppressed Mr. Bristow's declaration—that severities could do nothing more in exacting further payments; and the resident, I find, was afterwards obliquely punished for his humanity by Mr. Hastings.

Mr. Bristow's letter is dated the 12th of December, and he thus writes:—

"The battalion at Fyzabad [where the begums and their ministers had been confined] is recalled, and my letter to the board of the first instant, has explained my conduct to the begum. The letter I addressed her, a translation of which I beg leave to enclose, (No. 2,) was with a view of convincing her, that you readily assented to her being freed from the restraints which had been imposed upon her; and that your acquiescence in her sufferings was a measure of necessity, to which you were forced by her extraordinary conduct. I wished to make it appear, this was a matter on which you directed me to consult the vizier's pleasure, that it might be known you were the spring from whence she was restored to her dignity and consequence."

On the 3d of March following, the council agree to send the following order to Mr. Bristow:—"We desire you will inform us if any and what means have been taken for recovering the balance due from the begum at Fyzabad, and, if

necessary, that you recommend it to the vizier to enforce the most effectual means for that purpose."

My lords, you see the fraud he has put upon the council. You will find that Mr. Bristow's letters, up to the 3d of March, had been suppressed; and though then communicated, yet he instigated his cat's-paw, that blind and ignorant council, to demand from the vizier the renewal of these very severities and cruelties, the continuance of which the letters in his pocket had shown him were of no effect. Here you have an instance of his implacable cruelty; you see that it never relaxes, never remits; and that, finding all the resources of tyranny useless and ineffective, he is still willing to use them; and for that purpose he makes a fraudulent concealment of the utter inefficacy of all the means that had been used.

But, you will ask, what could make him persevere in these acts of cruelty, after his avarice had been more than satiated? You will find it is this. He had some quarrel with these women. He believed that they had done him some personal injury or other, of which he nowhere informs you. But, as you find that in the case of Cheit Sing, he considered his visit to General Clavering, as an horrid outrage against himself, which he never forgave, and revenged to the ruin of that miserable person; so you find that he has avowed the same malicious disposition towards the begums, arising from some similar cause. In page 367 of your printed minutes, he says, "I am sorry that I must in truth add, that a part of the resentment of the begums was, as I had too much reason to suspect, directed to myself personally. The incidents which gave rise to it are too light to be mixed with the professed subject and occasion of this detail; and as they want the authenticity of recorded evidence, I could lay no claim to credit, in my relation of them. At some period I may be induced to offer them to the world, my ultimate and uner-

ring judges, both of that and of every other trait in my political character."

My lords, you have an anecdote here handed to you, which is the key of a great part of this transaction.—He had determined upon some deep and desperate revenge for some injury or affront of some kind or other, that he thought he had received from these people. He accuses them of a personal quarrel with himself; and yet he has not the honor or honesty to tell you what it was:—what it was that could induce them to entertain such a personal resentment against him, as to ruin themselves and their country by their supposed rebellion. He says, that some time or other he will tell it to the world.—Why did he not tell his counsel, and authorize them to tell a story which could not be unimportant, as it was connected with a rebellion which shook the British power in India to its foundation? And if it be true, that this rebellion had its rise in some wicked act of this man, who had offended these women, and made them, as he says, his mortal enemies; you will then see that you never can go so deep with this prisoner, that you do not find in every criminal act of his, some other criminal act. In the lowest deep, there is still a lower deep. In every act of his cruelty, there is some hidden, dark motive, worse than the act itself, of which he just gives you a hint, without exposing it to that open light which truth courts, and falsehood basely slinks from.

But cruelly as they have suffered, dreadfully as they have been robbed, insulted as they have been, in every mode of insult that could be offered to women of their rank; all this must have been highly aggravated by coming from such a man as Mr. Middleton. You have heard the audacious and insulting language he has held to them; his declining to correspond with them, and the mode of his doing it. There are, my lords, things that embitter the bitterness of oppression itself—contumelious acts and language coming from persons, who the other day would have licked the dust un-

der the feet of the lowest servants of these ladies, must have embittered their wrongs, and poisoned the very cup of malice itself.

O! but they deserved it.—They were concerned in a wicked, outrageous rebellion: first, for expelling their own son from his dominions; and secondly, for expelling and extirpating the English nation out of India. Good God Almighty! my lords, do you hear this?—Do you understand that the English nation had made themselves so odious, so particularly hateful, even to women, the most secluded from the world, that there was no crime, no mischief, no family destruction, through which they would not wade, for our extermination!—Is this a pleasant thing to hear of? Rebellion is, in all parts of the world, undoubtedly considered as a great misfortune—in some countries it must be considered as a presumption of some fault in government. *Nowhere is it boasted of as supplying the means of justifying acts of cruelty and insult, but with us.*

We have, indeed, seen that a rebellion did exist in Barratch and Gorruckpore. It was an universal insurrection of the people; an insurrection for the very extermination of Englishmen; for the extermination of Colonel Hannay; for the extermination of Captain Gordon; for the extermination of Captain Williams, and of all the other captains and colonels exercising the office of farmer-general and sub-farmer-general, in the manner that we have described. We know that there did exist in that country such a rebellion. But mark, my lords! against whom.—Against these mild and gracious sovereigns, Colonel Hannay, Captain Gordon, Captain Williams.—Oh unnatural and abominable rebellion! But will any one pretend to say, that the nabob himself was ever attacked by any of these rebels?—No; the attacks were levelled against the English. The people rose in favor of their lawful sovereign, against a rebellion headed by Mr. Middleton, who, you see, usurped his authority;—headed by Colonel Hannay;—headed by Captain Gordon;—headed by all

those abominable persons exercising, under the nabob's name, an authority destructive to himself and his subjects. Against them there was a rebellion; but was this an unnatural rebellion?—A rebellion against usurped authority, to save the prince, his children, and state, from a set of vile usurpers.

My lords, I shall soon close our proceeding for this day; because I wish to leave this part of our charge strongly and distinctly impressed upon your lordships' memory, and because nothing can aggravate it. I shall next proceed, in the farther examination of the prisoner's defence, to dissipate, as I trust we have done, and as I hope we shall do, all the miserable stuff they have given by way of defence. I shall often have occasion to repeat and press upon your lordships, that that miserable defence is a heavy aggravation of his crime. At present, I shall conclude; leaving this part of our charge with the impression upon your lordships' minds, that this pretended rebellion was merely an insurrection against the English, excited by their oppression. If the rebellion was against the nabob, or if he was the author of the oppression which caused it, why do the English only appear to be concerned in both of them? How comes it that the nabob never appears to have expressed any resentment against the rebels? We shall prove, beyond a doubt, that the begums had nothing to do with it. There was, indeed, as I have already said, what may be called a rebellion: but it was a rebellion, against—not the nabob, but in favor of the lawful prince of the country;—against the usurpers of his authority and the destroyers of his country. With this, as a rebellion, Mr. Hastings has charged these women; he has charged them with a war against their son, for the purpose of exterminating the English. Look, I pray you, at the whole business; consider all the cirumstances of it, and ask yourselves, whether this is not a charge, not only so grossly improbable, but so perfectly impossible, that there is not any evidence which can make it even plausible.

Consider next, my lords, on the other side, the evidence of their innocence, and then ask yourselves, whether any additional matter could make its probability in the least degree more probable. My lords, the evidence we have produced is neither more nor less than that of almost all the persons who have had a share in exciting that rebellion, and who, to justify their own horrible cruelty, have attempted to charge the natural consequences of that cruelty upon these unhappy women.

But where, all this time, is the nabob, against whom this rebellion is pretended to be directed? Was it ever even insinuated to him that his mother had raised a rebellion against him?—When were the proofs shown to him?—Did he ever charge her with it? He surely must have been most anxious to prevent and suppress a rebellion against himself; but not one word on that subject has ever come out of his mouth; nor has any one person been produced to show that he was informed of the existence of such a rebellion. The persons said to be rebels, are his mother and grandmother; and I again ask, was there the least intimation given to him by Mr. Middleton, or by any other person, of their being even suspected of rebellion against him? There was, indeed, a hint of some rebellion, which the creatures of Mr. Hastings got at obliquely; but neither the person against whom the rebellion is supposed to exist, nor the persons who were said to be guilty of it, were ever either informed of, or charged with it. I defy the prisoner, and his whole gang, to produce one word ever uttered by any one of them, from which the nabob or begums could learn, that they were supposed to be concerned in the rebellion: so that none of those who were said to be the principal actors in the scene ever heard of the parts they were acting, from the actual authors and managers of the business. Not one word was uttered of a charge made, much less of proof given. Nothing was heard but—Give me the money—irons—new irons—new imprisonment; and at last the castle of Chunar. And here

beg leave to pause, and to leave upon your minds the im-
ression, first, of the wrong that was done, the violence
nd the robbery; and secondly, of the pretences, both civil
nd criminal, by which they have attempted to justify their
roceedings.

[Adjourned.

TRIAL.

WEDNESDAY, 11TH JUNE, 1794.

SIXTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—Your lordships will recollect that we closed the last day of your proceeding in this trial, at a most interesting part of our charge, or rather of our observations upon that charge. We closed at that awful moment, when we found the first women of Oude pillaged of all their landed and of all their moneyed property, in short of all they possessed. We closed by reciting to you the false pretence on which this pillage was defended, namely, that it was the work of the nabob. Now we had before proved to you, from evidence adduced by the prisoner himself, that this nabob was a mere tool in his hands; and therefore if this pretence be true, it aggravates his guilt; for surely the forcing a son to violate the property of his mother must every where be considered a crime most portentous and enormous. At this point we closed; and after the detail, which has been given you already, of these horrible and iniquitous proceedings, some apology may perhaps be necessary for entering again into the refutation of this iniquitous pretence.

My honorable fellow-manager, who preceded me in this business, did, in his remarks upon the inference drawn by the prisoner's counsel from the seizure of the begums' treasures by the nabob, as evidence of their guilt, as he ought to

do—he treated it with proper contempt. I consider it indeed to be as little an evidence of their guilt as he does, and as little a defence of that seizure as he does. But I consider it in another and in a new light, namely, as a heavy aggravation of the prisoner's crimes, and as a matter that will let you into the whole spirit of his government; and I warn your lordships against being imposed on by evasions, of which if it were possible for you to be the dupes, you would be unfit to be judges of the smallest matters in the world, civil or criminal.

The first observation, which I shall beg leave to make to your lordships, is this, that the whole of the proceedings from beginning to end has been a mystery of iniquity, and that in no part of them have the orders of the company been regarded; but on the contrary, the whole has been carried on in a secret and clandestine manner.

It is necessary that your lordships should be acquainted with the manner in which the correspondence of the company's servants ought to be carried on and their proceedings regulated; your lordships, therefore, will please to hear read the orders given concerning correspondence of every kind with the country powers. You will remember the period when these orders were issued, namely, the period at which the act passed for the better direction of the servants of the company. By this act Mr. Hastings was appointed to be governor-general, and the court of directors was required, by that act, to prepare orders and instructions, which Mr. Hastings was required, by the same act, to comply with. You will see what these instructions and orders were, and in what manner he has complied with them.

Extract of general instructions to the governor-general and council, 29th of March, 1774:—"We direct that you assemble in council twice every week, and that all the members be duly summoned; that the correspondence with the princes or country powers in India be carried on by the governor-general only, but that all letters sent by him be first

approved in council, and that he lay before the council, at their next meeting, all letters received by him in the course of such correspondence, for their information. We likewise direct, that a copy of such parts of the country correspondence be communicated to our board of trade, (to be constituted as hereinafter mentioned,) as may any ways relate to the business of their department."

You will observe, my lords, two important circumstances in these instructions. First, that, after the board had regularly met, the Persian correspondence, kept by the governor only, was to be communicated to the council; and secondly, that he should write no answer to any part of the business until he had previously consulted the council upon it. Here is the law of the land; an order given in pursuance of an act of parliament. Your lordships will consider how Mr. Hastings comported himself with regard to those orders: for we charge it as a substantive crime, independent of the criminal presumptions arising from it, that he violated an act of parliament, which imposed direct instructions upon him, as to the manner in which he was to conduct all matters of business with the native powers.

My lords, we contend strongly, that all the positive rules and injunctions of the law, though they are merely positive, and do not contain any thing but mere matters of regulation, shall be strictly observed. The reason is this, and a serious reason it is:—official tyranny and oppression, corruption, peculation, and bribery, are crimes so secret in their nature, that we can hardly ever get to the proof of them, without the assistance of rules, orders, and regulations of a positive nature, intended to prevent the perpetration of these crimes, and to detect the offender in case the crimes should be actually perpetrated. You ought therefore to presume, that, whenever such rules or laws are broken, these crimes are intended to be committed; for you have no means of security against the commission of secret crimes, but by enforcing positive laws, the breach of which must be always plain,

open, and direct. Such, for instance, is the spirit of the laws, that although you cannot directly prove bribery or smuggling in a hundred cases where they have been committed; you can prove whether the proper documents, proper cockets, proper entries in regular offices have been observed and performed, or not. By these means you lock the door against bribery; you lock the door against corruption, against smuggling, and contraband trade; but how? by falling upon and attacking the offence? No; by falling upon and attacking the breach of the regulation. You prove that the man broke the regulation; and, as he could have no other motive or interest in breaking it, you presume that he broke it fraudulently, and you punish the man not for the crime the regulation was meant to prevent, but you punish him for the breach of the regulation itself.

Next to the breach of these positive instructions, your lordships will attend to the consequent concealment and mystery by which it was accompanied. All government must, to preserve its authority, be sincere in its declarations, and authentic in its acts. Whenever in any matter of policy there is a mystery, you must presume a fraud; whenever in any matter of money there is concealment, you must presume misconduct; you must therefore affix your punishment to the breach of the rule; otherwise the conviction of public delinquents would be unattainable.

I have therefore put before you that rule which he has violated; and we, the Commons, call upon your lordships to enforce that rule, and to avenge the breach of it. You have seen the consequences of breaking the rule; and we have charged and do charge it as a heavy aggravation of those consequences; that, instead of consulting the council, instead of laying the whole correspondence before them, instead of consulting them upon his answers, he went himself up into the country, took his majesty's chief justice along with him, and made that person the instrument of those wrongs, violences, robberies, and concealments, which we call upon your lordships to punish.

My lords, an extraordinary circumstance occurred in the course of our proceedings, in another place, which I must state to show you in what a horrible manner your laws have been trampled upon and despised. None of the proceedings which have been last stated to your lordships, respecting the seizure of the treasures of the begums, appear upon any public record whatever. From the manner in which they came to our knowledge, your lordships will perceive what must have been the prisoner's own opinion of the horrible nature of proceedings, which he thought so necessary to be concealed.

Whilst we were inquiring into the violences committed against the begums, in breach of the treaty entered into with them, there came into my hands an anonymous letter, containing a full account of all the matter which has lately been stated to you. It came anonymously; and I did not know from what quarter it came. I do not even know with certainty at this hour. I say, not with certainty, for I can only form a conjecture. This anonymous communication enabled us to produce all the correspondence with Mr. Middleton respecting the cruelties exercised towards the begums and their eunuchs, in order to extort money. We found the names of Major Gilpin and several other persons in these letters. We also found in them a strong fox smell of a Sir Elijah Impey, that his brush and crime had left behind him; we traced him by that scent; and as we proceeded we discovered the footsteps of as many of the wolves as Mr. Hastings thought proper to leave there. We sent for and examined Mr. Middleton, and Major Gilpin produced his correspondence. When we applied to Mr. Middleton, we found that all this part of his correspondence had been torn out of his book. But having come at it by means of our anonymous communication, we subsequently proved and established it, in the manner we have done, before your lordships. Here then you have important matter which this anonymous letter has brought to light; and otherwise the whole of this correspondence so

sential to the interests and justice of Great Britain would ve been concealed by this wicked man. Thus I say, his olation of a positive law would have remained undis- vered, if mere accident had not enabled us to trace this iquity to its source. Therefore I begin our proceedings is day, by stating to your lordships this fact, and by calling on your justice to punish him for this violation of the laws his country.

We have told you who the instruments were, by which l this wickedness was committed, Mr. Middleton and Mr. hnson, persons who were sent as ambassadors to represent e interests of the company at the court of an independent ince. Over this prince they usurped an absolute power, ey even made use of British officers in his own service, and ceiving his pay, to enslave his person, and to force him to b his kindred. These agents were aided by an English ief justice, sent under the authority of an act of parlia- ent to represent the sovereign majesty of English justice, d to be a restraint upon the misconduct of the company's rvants. These are the instruments with which this man orks. We have shown you his system; we have shown ou his instruments; we will now proceed with the exami- ation of the pretences upon which this horrid and nefarious t is attempted ro be justified. We have not entered into is examination for the sake of refuting things that want no futation, but for the purpose of showing you the spirit of e whole proceeding, and making it appear to your lord- ips, as I trust it will appear, that the wicked act done there not half so bad as the wicked defence made here.

The first part of Sir Elijah Impey's commission, as your rdships will remember, was to seize upon the begums' trea- ures. He had likewise another budget of instructions, which as been discovered in the trunks of which your lordships ave heard,—secret instructions to be given by him to Mr. iddleton, for the furtherance of this business. And that is office of chief justice should not lie dormant, he was com-

missioned to seek for affidavits, or written testimony from any persons, for the purpose of convicting these women of a design of atrociously revolting against their son, and deposing him from the government, with a view of getting rid of the English inhabitants. This was the accusation;—and the evidence to support it Sir Elijah Impey was sent to collect.

My lords, I must here observe to your lordships, that there is no act of violence which, merely as an act of violence, may not in some sort be borne; because an act of violence infers no principle; it infers nothing but a momentary impulse of a bad mind, proceeding, without law or justice, to the execution of its object. For at the same time that it pays no regard to law, it does not debauch it; it does not wrest it to its purposes. The law disregarded still exists; and hope still exists in the sufferer, that, when law shall be resorted to, violence will cease, and wrongs will be redressed; but whenever the law itself is debauched, and enters into a corrupt coalition with violence, robbery, and wrong, then all hope is gone; and then it is not only private persons that suffer, but the law itself when so corrupted is often perverted into the worst instrument of fraud and violence. It then becomes most odious to mankind, and an infinite aggravation of every injury they suffer.

We have therefore in our charge strongly reprobated Sir Elijah Impey's going to take such affidavits.—Oh, but they say, a judge may take an affidavit in his chamber privately, and he may take an affidavit, though not exactly in the place of his jurisdiction, to authenticate a bond, or the like. We are not to be cheated by words. It is not dirty shreds of worn out parchments, the sweepings of Westminster Hall, that shall serve us in place of that justice upon which the world stands. Affidavits! We know that, in the language of our courts, affidavits do not signify a body of evidence to sustain a criminal charge, but are generally relative to matter in process collateral to the charge, which, not coming before the jury, are made known to the judge by way of affidavit.

But was it ever heard, or will it be borne, that a person ercising a judicial office under his majesty should walk be- id the sphere of his jurisdiction? That he should desert station in which he was placed for the protection of the ives, and should march to such a place as Lucknow, in er to take depositions for criminating persons in that coun-, without so much as letting these poor victims know one icle in the depositions so taken? These depositions, my ds, were made to criminate; they were meant to justify a feiture; and are not in the nature of those voluntary affi- rits which, whether made within jurisdiction or without, ether made publicly or privately, signify comparatively thing to the cause. I do not mean to say, that any process any court has not its weight, when the matter is within it the ordinary course of proceedings; it is the extraor- iary course, the extrajudicial conduct, which divests it of it just weight it otherwise would have.

This chief justice goes to Lucknow, where he holds his art, such as it was. He is ready to authenticate any cess, by the signature of the English chief justice, in a art which he holds by night; in a court which he holds in rkness and secrecy. He holds his court in Fyzabad: he lds it unknown to the nabob of Oude, in his own capital, d without giving him the least knowledge of or any notice what he was proceeding to do. He holds it at the lodg- gs of Colonel Morgan, a pensioner of the nabob, and the rson assisting him is Mr. Middleton, who is likewise, as we ve proved to you, one of the nabob's pensioners, a monopo- er of trade in the country, and a person who received much e major part of his emoluments from the nabob's hands.

In that clandestine manner, in the nabob's own house, in s own capital city, in the lodging of his dependent and nsioner, Colonel Morgan, with no other witness that we ow of, than Mr. Middleton, was this iniquitous, dark pro- dure held, to criminate the mother of the nabob. We re see a scene of dark, mysterious contrivance; let us now

see what is brought out in the face of open day. The attestations themselves, which you have seen on the record before you. They were brought out; where? there? No; they were brought out in another place; they were brought out at Calcutta; but were never communicated to the nabob. He never knew any thing of the matter. Let us now see what those attestations were: your lordships will bear in mind, that I do not advert to this thing, which they bring as evidence, in the way of imputation of its being weak, improper, and insufficient evidence, but as an incontrovertible proof of crimes, and of a systematic design to ruin the accused party, by force there and by chicane here; these are principles upon which I am going to talk to you upon this abominable subject; of which, I am sorry to say, I have no words sufficient to express my horror. No words can express it; nor can any thing but the severity of your lordships' judgments find an adequate expression of it. It is not to be expressed in words, but in punishment.

Having stated before whom the evidence collected in this body of affidavits was taken, I shall now state who the persons were that gave it; they were those very persons who were guilty of robbing and ruining the whole country: yes, my lords, the very persons who had been accused of this in the mass, by Mr. Hastings himself. They were nothing less than the whole body of those English officers, who were usurping the office of farmers-general, and other lucrative offices in the nabob's government, and whose pillage and peculations had raised a revolt of the whole kingdom against themselves. These persons are here brought in a mass to clear themselves of this charge, by criminating other persons, and clandestinely imputing to them the effect of their own iniquity.

But supposing these witnesses to be good for any thing, supposing it fit that the least attention should be paid them; the matter of their testimony may very possibly be true, without criminating the begum; it criminates Saadit Ali,

Khân, the brother of the nabob; the word begum is never mentioned in the crimination but in conjunction with his, and much the greater part of it criminates the nabob himself. Now, my lords, I will say, that the matter of these affidavits, forgetting who the deponents were, may possibly be true, as far as respects Saadit Ali Khân; but that it is utterly as improbable, which is the main point and the stress of the thing, with respect to the begums, as it is impossible with respect to the nabob. That Saadit Ali, being a military man, a man ambitious and aspiring to greatness, should take advantage of the abuses of the English government and of the discontent of the country, that he should, I say, raise a revolt against his brother, is very possible; but it is scarcely within possibility, that the mother of the nabob should have joined with the illegitimate son against her legitimate son. I can only say that, in human affairs, there is the possibility of truth in this. It is possible she might wish to depose her legitimate son, her only legitimate son, and to depose him for the sake of a bastard son of her husband's, to exalt him at the expense of the former, and to exalt of course the mother of that bastard at her own expense, and to her own wrong. But I say, that this, though possible, is grossly improbable. The reason, why the begum is implicated in this charge with Saadit Ali by the affidavits, cannot escape your notice. Their own acquittal might be the only object of the deponents, in their crimination of the latter: but the treasures of the former were the objects of their employers, and these treasures could not be come at but by the destruction of the begums.

But, my lords, there are other affidavits, or whatever your lordships may call them, that go much further. In order to give a color to the accusation, and make it less improbable, they say, that the nabob himself was at the bottom of it; and that he joined with his brother and his mother to extirpate out of his dominions that horrible grievance, the English brigade officers:—those English officers who were the farmers-

general, and who, as we have proved by Mr. Hastings's own evidence, had ruined the country. Nothing is more natural, than that a man, sensible of his duty to himself and his subjects, should form a scheme to get rid of a band of robbers, that were destroying his country, and degrading and ruining his family. Thus, you see, a family compact naturally accounted for. The nabob at the head of it; his mother joining her own son, and a natural brother joining in the general interests of the family. This is a possible case. But is this the case pressed by them? No; they pass slightly over the legitimate son. They scarcely touch upon Saadit Ali Khân; they sink the only two persons that could give probability or possibility to this business, and endeavor to throw the whole design upon these two unfortunate women.

Your lordships see the wickedness and baseness of the contrivance. They first, in order to keep the whole family in terror, accuse the whole family; then having possessed themselves of the treasures of the begums upon another pretence, they endeavor to fix upon them that improbable guilt, which they had with some degree of probability charged upon the whole family, as a farther justification of that spoliation. Your lordships will see what an insult is offered to the peers of Great Britain, in producing before you, by way of defence, such gross, scandalous, and fraudulent proceedings.

Who the first set of witnesses were, which they produced before their knight errant, chief justice Sir Elijah Impey, who wandered in search of a law adventure, I have laid open to your lordships. You have now had an account of the scandalous manufacture of that batch of affidavits, which was in the budget of Sir Elijah Impey; that Pandora's box, which I have opened, and out of which has issued every kind of evil. This chief justice went up there with the death warwant of the begums' treasures, and, for aught he knew, the death warrant of their persons. At the same time that he took these affidavits, he became himself a witness in this

business; he appears as a witness. How? Did he know any one circumstance of the rebellion? No; he does not even pretend to do so. But, says he, in my travels I was obliged to avoid Fyzabad, upon account of the suspected rebellion there. Another chief justice would have gone fifty miles about to avoid Lucknow, for every body knows that Lucknow was the focus and centre of extortion, corruption, and peculation; and that a worse air for the lungs of a chief justice could not be found in the world. If his lungs wanted the benefit of pure air, he would even have put himself in the focus of a rebellion, to have kept at a distance from the smell of carrion and putrid corruption of every kind that was at Lucknow.

A chief justice may go to a place where a rebellion is raging, he may die a martyr to his honor. But a chief justice, who puts himself into the focus of peculation, into the focus of bribery, into the focus of every thing that is base and corrupt; what can we expect from him but that he will be engaged in clandestine jobs there! The former might kill Sir Elijah Impey, the knight errant, but the chief justice would remain pure and entire; whereas Sir Elijah Impey has escaped from Lucknow, and the chief justice is left by Mr. Hastings to shift for himself.

After mentioning this violation of the laws of hospitality by Sir Elijah Impey, I would ask, was any notice given by him, or by any of Mr. Hastings's agents, to the nabob, who was so immediately interested in this matter? Was any notice given to the begums, that any such charge was entertained against them? Not a word. Was it notified to the eunuchs? Was it to Saadit Ali Khân? Not a word; they were all within their power. The eunuchs were a year in irons, and they were subjected to the want of food and water, for a part of that year. They were dragged from Fyzabad to Lucknow, and from Lucknow to Fyzabad. During all that time, was there a word mentioned to them by any one person on the part of Mr. Hastings, that they were accused of this matter? Not a word.

We now submit to your lordships' vindictive justice and condemnation this recriminatory defence, in which every principle of justice has been violated; and now I will ask your lordships, whether you would have suffered such a procedure in the case of the prisoner at your bar? It was asked by a person of great authority in this house, when we were going to produce certain evidence against Mr. Hastings, (we do not say whether we offered to produce it properly or improperly, that is another matter,) we were asked, I say, whether our intentions of producing that evidence had been communicated to Mr. Hastings? Had he had an opportunity of cross-examining the witnesses who had given that evidence? No; he added, that evidence must be rejected. Now I say to your lordships, upon the same ground, deal with the begums as you dealt with Mr. Hastings. Do not keep two weights and measures for different persons in the same cause. You would not suffer such evidence to be produced against him; you will not assuredly suffer such evidence to be produced to you in his favor and against them.

My lords, the cause between this man and these unfortunate women is at last come into Westminster Hall. The cause is come to a solemn trial; and we demand other witnesses and other kinds of proof than what these affidavits furnish. My lords, the persons who have been examined here are almost all of them the same persons who made these affidavits; but there is this material difference in their evidence. At your lordships' bar they sunk all those parts of their former evidence which criminated the nabob and Saadit Ali, and confined their testimony wholly to what related to the begums. We were obliged, by a cross-examination, to squeeze out of them the disavowal of what they had deposed on the former occasion. The whole of their evidence we leave to the judgment of your lordships, with these summary remarks,—first, that they are the persons who were to profit by their own wrong: they are the persons who had seven months' arrears paid to them out of the money of these un-

fortunate ladies: they are the persons who, to justify the revolt which they had caused in the country by their robbery, charge their own guilt upon others. The credibility of their evidence is therefore gone; but, if it were not affected by these circumstances, Mr. Hastings has put an end to it by telling you, that there is not one of them who is to be credited upon his oath; no, not in a court martial; and can it therefore be expected, that in a case of peculation, they will do otherwise than acquit the party accused? He has himself laid before you the horrible state of the whole service; your lordships have it fresh in your memories, and ringing in your ears. You have also heard from witnesses brought by Mr. Hastings himself, that these soldiers committed misdemeanors of the very same kind with those which we have stated. They ought not therefore to be listened to for a moment; and we aver that it is an aggravation of the prisoner's crimes, that he has brought the instruments of his guilt, the persons of whom he has complained as having ruined and destroyed that country, and whom he had engaged at the nabob's desire, in the treaty of Chunar, to send out of the country, as being a nuisance in it; to bring, I say, these people here, to criminate, at a distance of nine thousand miles, these unfortunate women, where they have neither attorney nor agent who can from local knowledge cross-examine them. He has the audacity to bring these people here; and in what manner they comport themselves when they come here, your lordships have seen.

There is one of them whom we cannot pass by; that is Captain Gordon. The other witnesses, who appeared here as evidences to criminate the begums, did it by rumors and hearsays. They had heard some person say that the begums had encouraged rebellion, always coupling them with Saadit Ali Khân, and sometimes with the nabob, because there might have been some probability for their charge in the transactions with Saadit Ali Khân, which, though impossible with regard to the begums, they thought would implicate

him in his designs. But Captain Gordon is to give a different account of the proceedings.

Captain Gordon was one of Colonel Hannay's under-farmers—he was hunted out of the country, and, as one of the begums says, pursued by a thousand of the zemindars, for robbing the whole country. This woman, through respect to the British name, that name which guarantied her possessions to her, receives this Captain Gordon and Captain Williams with every mark of kindness, hospitality, and protection, that could be given them. She conveys them from the borders to the city of Fyzabad, and from Fyzabad, her capital, supposed to be the nest of her rebellion, on to their place of destination. They both write her letters full of expressions of gratitude and kindness for the services that they had received. They then pass on to Lucknow to Sir Elijah Impey, and there they sink every word of kindness—of any service or protection that they had received;—or of any acknowledgment that they had ever made of it. They sink all this; not one word of it appears in their affidavits.

How then did we come to the knowledge of it? We got it from Major Gilpin, who was examined in the course of these proceedings, and we used it in our charge, from the papers that we hold in our hands. Mr. Hastings has confessed the fact, and Mr. Middleton has endeavored to slur it over, but could not completely conceal it. We have established the fact, and it is in evidence before your lordships.

You have now, then, in this manner, got these testimonials given by English officers in favor of these women; and by the same means the letters of the latter accusing the former are come to your hands; and now these same English officers come here with their recriminatory accusation. Now, why did they not make it at Lucknow? Why did not Mr. Hastings, when Mr. Middleton had such papers for him in his hands, why, I ask, did not Mr. Hastings procure some explanation of the circumstances whilst he was in India? I will read your lordships the letter, that you may not only know, but feel the iniquity of this business.

Letter from the Mother of the Vizier to Mr. Hastings, received the 6th of January, 1782.

" Our situation is pretty well, and your good health is constantly prayed for. I had sent Behar Ali Khân to you. Accordingly people invented a falsehood, that Behar Ali Khân was gone to get the deputyship of the Soubah ; and some persons here were saying, wherefore has she sent Behar Ali Khân to Calcutta to the Nawab Amaud ul Dowlah ? We will never permit the affair to succeed : and accordingly it has so happened. For they say, that you also have not put your seal to the treaty : and the people here say, why does the noble lady correspond with the English gentlemen ? On this account, I did not send a letter at the time when you came this way. Now the state of affairs here is thus ;—On the 27th Zehedja, Azoph ul Dowlah Behadur, without my knowledge, sent his own aumils into my jaghire. I accordingly wrote several times to Mr. Middleton on this business ; that his seal was to the treaty and writing of discharge. Why did he not negotiate in my favor ? Mr. Middleton replied, the Nawab is the master. I wrote frequently, but without effect. Being helpless, I represent to you the state of my affairs, that notwithstanding the existence of this treaty, I have been treated in this manner. It is useless for me to stay here. Whatever is, is a compact ; whenever any one deviates from his compact, he meets with no credit for the future ; and the light of mine eyes, Asoph ul Dowlah, wrote to me, that he had sent his own aumils into my jaghires, and would pay ready money from his treasury. Reflect on my security for his adhering to his future engagements, from the consideration of his conduct under his past promises. I do not agree to his ready money. Let me have my jaghire as formerly ; otherwise, leaving this place, I will wait on you at Benares, and thence will go towards Shah Jehan Abad, because he has not adhered to his engagement. Send letters to Azoph ul Dowlah, and to Mr. Middleton, and

Hussein Reza Khân, and Hyder Beg Khân, not to molest the begum's jaghire; and to let them remain as formerly with the begum's aumils. And it is here suspected of me, that my aumil plundered the property of Mr. John Gordon. The case is this: Mr. John Gordon arrived at Tanda, a jaghire of mine, fighting with the zemindars of Akberpoor, which belongs to the Khalsch. Accordingly, Mr. John Gordon having come to Tanda, my aumil performed whatever appertained to his duty. Afterwards Mr. John Gordon wrote to me to send my people, that he might come with them to Fyzabad. I sent people accordingly to bring Mr. John Gordon; and the said gentleman arrived here in complete safety: and Mr. John Gordon is now present. Ask him yourself of these matters. Mr. John Gordon will represent matters in detail: the truth will then become known, how ill founded the calumny is. Should you come here for a few days it will be very well; and if not, I will wait on you; and your coming here is very necessary, that all my affairs may become arranged. And send a speedy answer to my letters, and a letter to Azoph ul Dowlah, and Mr. Middleton, and Hussein Reza Khân, and Hyder Beg Khan, on the subject of ceasing to molest my jaghires; and send me constantly news of your health, for my peace of mind depends thereon."

This letter was transmitted to Mr. Hastings. I desire your lordships will remark upon this letter, for it is a most important one indeed. It is hardly worth observing that all this correspondence came out of the various trunks, of which your lordships have already heard; and that this letter is out of the trunk of Mr. Hastings's private Persian secretary and interpreter, Mr. Jonathan Scott. Now, my lords, in this letter there are several things worthy of your lordships' observation. The first is, that this woman is not conscious of having ever been accused of any rebellion; the only accusation that ever came to her ears was, that Captain Gordon said, that his baggage had been robbed by one of her aumils. She denies the truth of this charge; and she produces testi-

monials of their good behavior to him; and, what is the essential point of all, she desires Mr. Hastings to apply to his Mr. John Gordon, and to know from him what truth or falsehood there is in that accusation, and what weight there is in the attestation she produces. "Mr. Gordon is now present," says she, "ask him yourself of these matters." This reasonable request was not complied with. Mr. Gordon swears before Sir Elijah Impey, to the robbery; but he never mentions the paper he had written, in which he confessed that he owed his life to this very lady. No inquiry was made into this matter. Colonel Hannay was then alive; Captain Gordon was alive, and she refers to him; yet that very man was sworn before Sir Elijah Impey, and accuses his prisoner. Did the prisoner at your bar make that attestation known to the begums, whose letter at that very time was in his possession in Mr. Scott's trunk—that very letter in which he is desired to make the inquiry from Captain Gordon?

Mr. Hastings is acquainted with the facts stated by the begums and with Captain Gordon's accusation. Did he afterwards inform her of this accusation, or did he ask this Captain Gordon one question in India, where the matter might be ventilated? Not one word, my lords; therefore we fix upon him fraud, deceit, and the production of false evidence, after the woman had desired to have the man, who was the evidence against her, examined upon the spot. This he does not do, but with much more prudence he brings him here. And for what? To discredit his own testimony, and the written evidence. And how does he discredit them?—there are two of these papers, which I beg leave to read to your lordships.

Copy of a letter to Jewar and Behar Ali Khân, from Mr. Gordon:—"Sirs. My indulgent friends, remain under, &c. &c. &c. After compliments, I have the pleasure to inform you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning, about ten or eleven

o'clock, through your favor and benevolence, arrived safe at Gooudah. Mur Aboo Buhsh zemindar and Mur Rustum Ally accompanied me."

"To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in his keeping, and increase your property, and speedily grant me the pleasure of an interview, until which time continue to favor me with friendly letters, and oblige me by any commands in my power to execute; may your wishes be ever crowned with success! My compliments," &c. &c. &c.

Copy of an address from Mr. Gordon to the begum;—"Begum Saib of exalted dignity and generosity, whom God preserve. After presenting the usual professions of servitude, &c. in the customary manner, my address is presented."

"Your gracious letter, in answer to the petition of your servant, from Gooudah, exalted me. From the contents, I became unspeakably impressed with the honor it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth and prosperity. The welfare of your servant is entirely owing to your favor and benevolence; a few days have elapsed since I arrived at Gooudah, with the Colonel Saib."

"This is presented for your highness's information, I cherish hopes from your generosity, that considering me in the light of one of your servants, always continue to exalt and honor me with your gracious letters. May the sun of prosperity continually shine."

These acknowledgments of the begum's friendly disposition and services were concealed, when the charge was made against this woman at Lucknow, before Sir Elijah Impey. I wish to impress this upon your lordships' mind; and that before Mr. Hastings left Bengal, in the trunk of Major Scott, his private Persian interpreter, was this letter. Did he make that inquiry of Captain Gordon? No. Did he make that inquiry of Colonel Hannay? Did he make any inquiry into

the matter after his perusal of these letters; or did he give this poor woman any opportunity of obtaining justice against this Captain Gordon, who, after acknowledging that he owed his life to her favor, calumniates and traduces her to her utter destruction? No; he never did, and therefore he is chargeable, and I charge him with every thing that is wrongful in Captain Gordon's evidence.

These papers, which carry with them a clear refutation of all the charges against the begums, are never once produced, though Captain Gordon was referred to expressly for inquiry and explanation of the whole transaction, by the woman herself. You hear nothing of them; there is no appearance of them in the affidavits; no such papers were laid before the supreme council; none were transmitted to the court of directors: but at last the House of Commons having come at the truth of this matter, Mr. Hastings, not daring to deny the existence of these papers, brings Captain Gordon to be examined here, in order to prove that papers which he had himself written were false. Is this to be tolerated? What will your lordships think of a man that comes to attest his own infamy; to declare that he has written papers containing falsehoods, and to invalidate the false testimony which he had before given? Is he to be suffered, I say, to come here, and endeavor to prove the absolute falsity of his own deeds, by his own evidence?

The next point for your lordships' consideration is the evidence which he produces to prove the falsity of a paper written by himself. Why, he himself is the sole evidence. And how does he prove it? Why, says he, the reason of my writing that letter was this; she had sent a person with me as an escort, and this person was desirous of receiving some proof that he had done his duty; and, therefore, I wrote a complaisant letter. I meant nothing by it. It was written merely to satisfy the mind of the man. Now, is that the way in which formal and solemn letters, written upon great occasions to great people, are to be explained away? If he

had said nothing but—your servant—such a one, has done his duty,—this explanation might pass. But, you see, it has another complexion. It speaks of his owing his life to her. But if you admit that it is possible, (for possibilities have an unknown extent,) that he wrote such a letter at such a time, and for such a purpose; and that the letter he wrote was false, and that the falsity of the letter is proved by his own testimony, given in an affidavit, which we have also reason to believe is false, your lordships must at the same time admit, that it is one of the most complex pieces of fraud and falsehood that I believe ever existed in the world, But it is worse than all this. There is another letter, written some days after, which I will read to you, and which he has not pretended to say was written only to testify that a messenger had executed his commission properly:—"Your gracious letter," (he thus writes,)—"in answer to the petition of your servant from Gooudah, exalted me. From the contents, I became unspeakably impressed with the honor it conferred."

My lords, this letter was not sent back by a messenger, in acknowledgment of his having done his duty; but was written in consequence of a correspondence in the nature of a petition, for something or other, which he made to the begum. That petition they have suppressed and sunk. It is plain, however, that the petition had been sent, and was granted; and therefore the apology that is made for the former letter does not apply to this letter, which was written afterwards.

How then do they attempt to get rid of this difficulty? Why, says Captain Gordon, "*the Colonel Saib*, (by whom was meant Colonel Hannay,) was not at Gooudah, as stated in the letter, but at Succara, about eighteen miles from it, and therefore you ought not to pay much regard to this paper:" but he does not deny the letter, nor was it possible for him to deny it. He says, Colonel Hannay was not there; but how do we know whether Colonel Hannay was there or not? We have only his own word for it;—but supposing he was

not there, and that it was clearly proved that he was eighteen miles distant from it, Major Naylor was certainly with Captain Gordon at the time. Might not his Persian scribe (for he does not pretend to say he wrote the letter himself) take Major Naylor for a colonel, (for he was the superior officer to Captain Gordon,) and think him the Colonel Saib? for errors of that kind may be committed in our own country. Every day we may take a major for a lieutenant-colonel. This was an error that might easily have happened in such a case. He was in as high rank as Colonel Hannay, for Colonel Hannay at that time was only a major; I do not believe either of them was properly entitled to the name of Colonel Saib. I am ashamed, my lords, to be obliged to remark upon this prevarication. Their own endeavors to get rid of their own written acts, by contradictory evidence and false constructions, sufficiently clear these women of the crimes of which they were accused; and I may now ask the prisoner at your bar, how he dares to produce Captain Gordon here,—how he dares thus to insult the peers—how he dares thus to insult the public justice of his country; after not having dared to inquire upon the spot of this man, to whom he was referred by the begums, for an account of this very transaction?

I hope your lordships have got enough of this kind of evidence. All the rest is of the same batch, and of the same description; made up of nothing but hearsays, except in one particular only. This I shall now mention to your lordships. Colonel Popham and another gentleman have told you, that in a battle with Cheit Sing's forces, they took prisoners two wounded nudjeeves, or swordsmen, and that these men told them, that they were sent by the begums: that they had got two rupees and two wounds; but that they thought two rupees a bad compensation for two wounds. These two men, with their two wounds and two rupees, had however been dismissed. It does not appear that this accident was considered by these officers to be of consequence enough to make them ever tell one word of it to Mr. Hastings, though

they knew he was collecting evidence of the disaffection of the begums, of all kinds, good, bad, and indifferent, from all sorts of persons.

My lords, I must beg leave to say a few words upon this matter; because I consider it as one of the most outrageous violations of your lordships' dignity, and the greatest insult that was ever offered to a court of justice. A nudjeeve is a soldier armed with a sword. It appears in evidence that the nabob had several corps of nudjeeves in his service; that the begums had some nudjeeves; and that Colonel Hannay had a corps of nudjeeves. It is well known that every prince in Hindostan has soldiers of that description, in like manner probably as the princes of Europe have their guards. The whole then amounts to this; that a story told by two men, who were wounded in an action far from the place from which they were supposed to come; who were not regularly examined; not cross-examined; not even kept for examination, and whose evidence was never reported, is to be a reason why you are to believe that these begums were concerned in a rebellion against their son, and deserved to forfeit all their lands and goods, and to suffer the indignities that we have stated.

My lords, I am really ashamed to mention so scandalous a thing; but let us put a case, let us suppose, that we had accused Mr. Hastings of instigating the rajah of Berar to fall upon some of the country powers; and that the evidence we produced at your bar to prove it was, that an officer had taken two nudjeeves, who declared they were instigated by Mr. Hastings to go into the service of that rajah. Could you bear such a thing? would you suffer such evidence to be produced? or do you think that we should have so little regard for our own reputation, as to venture to produce such evidence before you? Again, we have charged Mr. Hastings with committing several acts of violence against the begums. Let us suppose our proof to be, that two persons, who never appeared before nor since; that two grenadiers in English

uniforms, (which would be a great deal stronger than the case of the nudjeeves, because they have no particular uniform belonging to them,) that two English grenadiers, I say, had been taken prisoners in some action and let go again, who said that Mr. Hastings had instigated them to make war upon the begums, would your lordships suffer such evidence to be produced before you? No; and yet two of the first women in India are to be stripped of all they have in the world upon no better evidence, than that which you would utterly reject.

You would not disgrace the British peerage; you would not disgrace this court of justice; you would not disgrace human reason itself, by confiscating on such evidence the meanest property of the meanest wretch. You would not subject to the smallest fine for the smallest delinquency, upon such evidence. I will venture to say that in an action of assault and battery, or in an action for the smallest sum, such evidence would be scouted as odious and contemptible, even supposing that a perfect reliance might be placed upon its truth. And yet this is the sort of evidence upon which the property, the dignity, and the rank of some of the first persons in Asia, are to be destroyed; by which a British guaranty and the honor and dignity of the crown of Great Britain, and of the parliament itself, which sent out this man, are to be forfeited.

Observe, besides, my lords, that the two swordsmen said they were sent by the begums. Now they could not be sent by the begums, in their own person. This was a thing in India impossible. They might, indeed, have been sent by Jewar and Behar Ali Khân: and then we ask again, how came these ministers not to be called to an account at the time? why were they not called upon for their muster rolls of these nudjeeves? No; these men and women suffer the penalty, but they never hear the accusation nor the evidence.

But to proceed with the evidence of this pretended rebel-

lion. Captain Williams has told your lordships, that he once had a great number of letters and papers to prove this rebellion of the begums. But he declares that he has lost all these letters. A search was ordered to be made in Mr. Hastings's record-office, called a trunk; and accordingly in the trunk is found a paper worthy of such a place and such a cause. This letter, which has been made use of to criminate the begums, has not their names mentioned, nor is there any possibility of their being included in it. By this paper which is preserved, you may judge of the whole of the papers that are lost. Such a letter, I believe, was never before brought as evidence in a court of justice. It is a letter said to have been intercepted, and is as follows:

"To the most noble * * * * * whose prosperity be everlasting. It is represented that the august Purwanah (command) having completed his honorable arrival on the 16th of the month in the evening, highly exalted me; it is ordered that I should charge Medeporee and the other enrolled sepoys belonging to my district, and take bonds from them that none of them go for service to the rajah; and that when four hundred or five hundred men, nudjeeves and others, are collected, I should send them to the presence, according to the order I have written to Brejunekar Shah Rehemet Ulla, who is in Bhooaparah, charging him to take bonds from them; and that whatever sepoys fit for service are collected, he should send to the presence. As at this time the wind is contrary, the sepoys will not * * * * without travelling charges; for I have learnt from a letter previously received from Brejunekar Shah Rehemet Ullah, that the people there also are badly inclined; by the grace of God, the unalterable glory shall be * * * * * Zehan Beg and the nudjeeves who were in the fort of Aneelah have gone off to Gooruckpore."

This is a letter of somebody or other, employed by somebody or other for the recruiting service; it should seem by

the word "presence" somebody employed in enlisting forces for the nabob. The charge against the begum was, that she had joined with the rebellious rajahs, to exterminate her son's government and the English influence in that country. In this very paper you see that the soldiers entering into that service, and officers who are to contract for soldiers, are expressly bound not to join the rajahs; and this they produce as proof that the begums had joined the rajahs, and had joined them in a rebellion, for the purpose of exterminating their son, in the first instance, and the English afterwards.

There is another circumstance, which makes their own acts the refutation of their false pretences. This letter says that the country is disaffected, and it mentions the ill-disposed parts of the country. Now we all know that the country was ill-disposed; and we may therefore conclude this paper was written by, and addressed to, some person who was employed against the persons so ill-disposed; namely, the very rajahs so mentioned before. The prisoner's counsel, after producing this paper, had the candor to declare that they did not see what use could be made of it. No, to be sure, they do not see what use can be made of it for their cause; but I see the use that can be made of it against their cause. I say that the lost papers, upon which they do so much insist, deserve no consideration, when the only paper that they have preserved operates directly against them; and that therefore we may safely infer, that, if we had the rest of the contents of this trunk, we should probably find them make as strongly against them, as this paper does. You have no reason to judge of them otherwise than by the specimen: for how can you judge of what is lost but from what remains?

The man who hid these papers in his trunk never understood one word of the Persian language, and consequently was liable to every kind of mistake, even though he meant well. But who is this man? Why it is Captain Williams; the man who in his affidavits never mentioned the begums without mentioning Saadit Ali. It is Captain Williams;

whom we charge to have murdered a principal man of the country by his own hand, without law or legal process. It is Captain Williams; one of those British officers whom Mr. Hastings states to be the pests of the country. This is the man who comes here as evidence against these women, and produces this monstrous paper. All the evidence they had produced to you amounts to no more than that such a man *believes* such a man *heard of something:* and to close the whole of this hearsay account, Sir Elijah Impey, who always comes in as a supplement, declares that no man doubted of the existence of this rebellion and of the guilt of the begums, any more than of the rebellion of 1745; a comparison which, I must say, is, by way of evidence, a little indecorous in a chief justice of India.

Your lordships are sufficiently acquainted with the history of that rebellion to know, that when Lord Lovat was tried at this bar, the proceedings against him were not founded on second hand hearsay. The existence of the rebellion of 1745 was proved, notwithstanding its notoriety; but neither notoriety nor proof would have signified any thing, if Lord Lovat's participation in it had not been brought home to him directly, personally, and particularly. Yet a chief justice, sent to India to represent the sacred majesty of the crown of England, has gone so far as to say at your bar, that no more doubt could be entertained of the existence either of the rebellion or the guilt of the begums, than of the rebellion in 1745. Besides, he forgets that he himself carried the order to confiscate these people's property without any trial whatever. But this is the way of proceeding by an English chief justice in India—a chief justice who had rendered himself the instrument, the letter carrier, the messenger—I had almost said, the executioner of Mr. Hastings.

From this view of the whole matter, your lordships will form an estimate of the spirit of Indian government and Indian justice. But to blow away and to put an end to all their false pretences, their hearsays, and talks of nudjeeves and

wounds and the like, I ask who is the first witness that we have produced upon this occasion? It is the nabob himself, negativing all these pretences. Did he believe them? Not a word from him of any rebellion actual or suspected. Sir Elijah Impey indeed said that he was obliged to wheel round and to avoid that dangerous place Fyzabad. His friends urged him to this.—For God's sake, say they, have a reverend care of your sacred person! What will become of the justice of India? What will become of the natives, if you, their legitimate protector, should fall into the hands of these wicked rebellious women at Fyzabad? But although the chief justice does this, the nabob, whose deposition is said to be the first object of this rebellion, takes leave of Mr. Hastings at the very moment when it is raging in the highest possible degree, and gallops into its very focus.

And under what circumstances does he do this? He had brought some considerable forces with him. No man of his rank in that country ever goes without them. He left a part of these forces with Mr. Hastings, notwithstanding he was going into the centre of the rebellion. He then went on with a corps of about a thousand horse. He even left a part of these with Mr. Middleton, and galloped attended by a few horse into the very capital, where the begums, we are told, had ten thousand armed men. He put himself into their power, and not satisfied with this, the very first thing we hear of him after his arrival is, that he paid his mother a friendly visit. Thus rushing into the den of a lioness who was going to destroy her own whelp. Is it to be credited, my lords, that a prince would act thus who believed that a conspiracy was formed against him by his own mother? Is it to be credited that any man would trust a mother who, contrary to all the rules of nature and policy, had conspired to destroy her own son?

Upon this matter your lordships have the evidence of Captain Edwards, who was aide-de-camp to the nabob, who was about his person, his attendant at Chunar, and his attendant

back again. I am not producing this to exculpate the begums;—for I say you cannot try them here; you have not the parties before you; they ought to have been tried on the spot;—but I am going to demonstrate the iniquity of this abominable plot beyond all doubt, for it is necessary your lordships should know the length, breadth, and depth of this mystery of iniquity.

Captain Edwards being asked—"Whether he ever heard any native of credit and authority in the nabob's dominions, who appeared to believe the rebellion of the begums?—*A.* No, I never did. *Q.* Have you any reason to believe that the nabob gave credit to it?—*A.* I really cannot rightly presume to say whether the nabob did or did not; but I am apt to believe that he did not. *Q.* Have you any reason and what to form a belief about it?—*A.* I have. I think if he supposed the rebellion ever existed at Fyzabad, he would have been the first person to take and give the alarm to the British troops. *Q.* And no such alarm was taken or given to the British troops?—*A.* No, I think not; as I was always about his person, and in the camp, I think I certainly must have known it or heard of it; but I never did."

We assure your lordships you will find upon your printed minutes, that captain Edwards says he was credibly informed, that the nabob left behind him a part of his guard of horse; and that so desirous was he to go into the power of this cruel lioness, his mother, that he advanced, as he is a vigorous man, and a bold and spirited rider, leaving all his guards behind him, and rode before them into the middle of Fyzabad. —There is some more evidence to the same purpose in answer to the question put next to that which I read before.

"*Q.* When you did hear of the rebellion, did not you understand it to have been alleged, that one object of it was to dethrone the nabob himself as well as to extirpate the English?—*A.* I understood that the intention of the princesses, the begums, was to extirpate the English troops out of the country, and out of those dominions, and likewise to depose

her son, and set another son, who seems to have been a greater favorite of that family, upon the throne, in the room of the present nabob, and that son's name is Saadit Ali. I have only heard this from report. I have no other knowledge but mere report. I understood from the report, she was to extirpate the English, and depose her son, who is now upon the throne. *Q.* Was it after or before the seizing of the treasures, that you heard a circumstantial account of the supposed object of the rebellion?—*A.* The report was more general after the seizing of the treasures; but yet there were reports prevailing in the neighborhood, that our troops were sent there in consequence of the charge, that was made by Colonel Hannay and some of his officers, of a rebellion existing then at Fyzabad, or having existed, I cannot rightly say which. *Q.* Was that report after the order for the troops to march to Fyzabad?—*A.* It was more general, it was very general then when the troops did march there, and more general after the seizing of the treasures. *Q.* When did the troops first march?—*A.* It was some time in the month of January, I believe in the year 1782. *Q.* While you was with the nabob, in passing from Lucknow to Chunar, and while you was with him, or the army returning from Chunar, did you then, out of the whole army regular or irregular, ever hear of any report of the begums being in rebellion?—*A.* No; I do not recollect I ever did. *Q.* Upon cross examination—do you recollect at what time in August, 1781, you left Lucknow to proceed with the nabob to Chunar?—*A.* No; I cannot rightly mention the date; all that I know is this, that I accompanied the nabob, Mr. Middleton, and his attendants, all the way from Lucknow to Chunar;—I really cannot recollect, I have no notes, and it is so distant a time since, that I do not recollect the particulars of the month or the day; but I recollect perfectly I accompanied the nabob all the way from Lucknow to Chunar, and returned again with him until he struck off on the road for Fyzabad."

Your lordships see plainly the whole of this matter; when they had resolved to seize the begums' treasures, they propagated this report just in proportion to their acts. As they proceeded, the report grew hotter and hotter. This man tells you when it was that the propagation of this report first began; when it grew hot, and when it was in its greatest heat. He tells you, that not one native of credit in the country believed it; that he did not think the nabob himself believed it; and he gives a reason that speaks for itself, namely, that he, the nabob, would have been the first man to give the alarm if he believed in a rebellion, as he was to be the object of it.

He says the English were the principal spreaders of the report. It was, in fact, a wicked report, propagated by Mr. Middleton and the English agents, for the purpose of justifying their iniquitous spoliation of the begums.

This is the manner in which the matter stands upon the ground of rebellion, with the exception of Major Gilpin's and Hyder Beg Khân's testimony. This last man we have proved to have been kept in his office by Mr. Hastings's influence, and to have been entirely under his government. When this dependant comes to give his attestation, he gives a long account of all the proceedings of Cheit Sing's rebellion, with which the rebellion charged on the begums was supposed to be coincident; and he ends it very remarkably —that he tells the whole truth, and nothing but the truth. But it is also remarkable, that even this Hyder Beg Khân never mentions by name the rebellion of the begums, nor says that he ever heard a word about it: a strong proof that he did not dare, in the face of his country, to give countenance to such a falsehood.

Major Gilpin's evidence leaves not even the shadow of a pretence for this charge. He had the begums and their eunuchs under his custody for a full year; he was strictly ordered to watch them and to guard them, and during all that time he lived at Fyzabad. He was the man who com-

manded the troops; who had all the witnesses in his power; who had daily access to all parties at Fyzabad; and who, moreover, was a person attached to Mr. Hastings in the strongest manner.

Your lordships will now be pleased to hear read to you his part of Major Gilpin's evidence:—"*Q.* Had you any opportunity of knowing the character of the begums, and whether they were disaffected to our government?—*A.* I had very good opportunity of knowing, from the circumstance of my having commanded so long there; the elder begum, it was generally understood, (and I have reason to believe,) was disaffected to our government; and my sentiments of her conduct stand recorded in my correspondence to the court of Lucknow to that effect; but with respect to the Bow Begum, I acquit her entirely of any disaffection to our government, so far as comes to my knowledge; appearances were for some time against her, but on cool, deliberate inquiry, I found there was no ground for supposing her guilty of any rebellious principles, at the time of Cheit Sing's rebellion. *Q.* Whether that, according to your belief, is not your present opinion?—*A.* I think I have answered that very fully, that it was upon those very principles that I did form an opinion of her innocence; how far they are justifiable or right, I will not take upon me to say upon oath; there was no one circumstance that came to my knowledge, during my residence at Fyzabad, or my residence in India, that I would wish to withhold from your lordships. *Q.* You state here, upon cool, deliberate inquiry; what was that cool, deliberate inquiry?—*A.* That cool, deliberate inquiry was the conversations I had with the ministers and the people of Fyzabad, and the letters from herself expressing her innocence; and it appeared to me from those letters, that she really was our friend and ally."

The same witness goes on afterwards to say:—"*Q.* I understood you to say, that originally the report prevailed with respect to both the begums, but that you was induced to alter

that opinion with respect to the younger begum, in consequence of Mr. Gordon's letters, and the intelligence of some of her ministers and other persons; were not those other persons in the interest of the younger begum?—*A.* In general the town of Fyzabad were in her interest. *Q.* In what sense do you mean generally in her interest; were the persons you conversed with merely those who were in her service and household, or the inhabitants of Fyzabad in general?—*A.* Both; I held conversations with both her own body servants and the inhabitants of the city. [*A little lower down, in the same page.*] What do you mean by the word, rebellion, as applied to the begums; in what sense do you use it?—*A.* In raising troops and in other acts of rebellion, in the common acceptation of the word. *Q.* Against whom? —*A.* Against the nabob's government and the British government jointly; but I beg to know the particular time and circumstance the question alludes to. *Q.* I understand you to have said, you understood the elder begum was in a constant state of rebellion; in what sense do you use the word, rebellion; did you say the elder begum was in a constant state of rebellion?—*A.* I always understood her to be disaffected to the English government; it might not be a proper expression of mine, the word, rebellion. *Q.* Do you know of any act by the elder begum against the vizier?—*A.* I cannot state any. *Q.* Do you know of any act, which you call rebellion, committed by the elder begum against the company?—*A.* I do not know of any particular circumstance, only it was generally supposed that she was disaffected to the company. *Q.* What acts of disaffection or hostility towards the English do you allude to, when you speak of the conversation of the world at the time?—*A.* I have answered that question as fully as I can, that it was nothing but conversation, that I knew of no particular act or deed myself."

This man, then declares, as your lordships have heard, that upon cool, deliberate inquiry made at Fyzabad from all

the inhabitants, he did not believe in the existence of any rebellion. That as to the Bow Begum, the grandmother, who was a person that could only be charged with it in a secondary degree, and as conspiring with the other, he says, he knows no facts against her; except that at the battle of Buxar, in the year 1764, she had used some odd expressions concerning the English, who were then at war with her son, Sujah Dowlah. This was long before we had any empire or pretence to empire in that part of India; therefore the expression of a rebellion, which he had used with regard to her, was, he acknowledged, improper; and that he only meant he had formed some opinion of her disaffection to the English.

As to the begum, he positively acquits her of any rebellion. If he therefore did not know it, who was an active officer in the very centre of the alleged rebellion, and who was in possession of all the persons from whom information was to be got, who had the eunuchs in prison, and might have charged them with this rebellion, and might have examined and cross-examined them at his pleasure; if this man knew nothing about it, your lordships will judge of the falsehood of this wicked rumor, spread about from hand to hand, and which was circulated by persons, who at the same time have declared that they never heard of it, before Sir Elijah Impey went up into the country, the messenger of Mr. Hastings's orders, to seize the treasures of the begums, and commissioned to procure evidence in justification of that violence and robbery.

I now go to another part of this evidence. There is a person they call Hoolas Roi; a man in the employment of the resident, Mr. Middleton. The gentlemen who are counsel for the prisoner have exclaimed,—O! he was nothing but a news writer. What! do you take any notice of him? Your lordships would imagine that the man, whom they treat in this manner, and whose negative evidence they think fit to despise, was no better than the writers of those scandalous paragraphs which are published in our daily papers, to mis-

represent the proceedings of this court to the public. But who in fact is this Hoolas Roi, whom they represent, for the convenience of the day, to be nothing but a news writer? I will read to your lordships a letter from Major Naylor to Colonel Jaques, commanding the second battalion, 20th regiment.

"Sir,—Hoolas Roi, the person appointed by the nabob for transacting the business for which the troops are required here, will hold constant communication and intercourse with you; and as he is instructed and acquainted with the best method to accomplish this business, Mr. Middleton requests implicit attention to be paid to what he may from time to time represent respecting the prisoners, or the business on which he is employed; in short, as he is the person nominated by the nabob, he wishes Hoolas Roi to be considered in the same light as if he himself was present."

Mr. Middleton, in a letter to Lieutenant Francis Rutledge, writes thus of him: "Sir,—When this note is delivered to you by Hoolas Roi, I have to desire that you order the two prisoners to be put in irons, keeping them from all food, &c. agreeably to my instructions of yesterday."

You will first see in how confidential a manner Hoolas Roi was employed, and in what light he was held. That he was employed to carry some instructions which do not indeed appear, but were accompanied by an order from Mr. Middleton. "When these instructions shall come to you, to put these prisoners in irons and keep them without food," &c. The begums, say, without food and water. Et cetera are words of large import—but he was "to keep them without food, &c. agreeably to my instructions of yesterday." This was a pretty general warrant for sufferings. This Hoolas Roi, this mere news writer, was not only intrusted with this warrant, but Mr. Middleton declares him to be a person who was

to be received there, and to represent the nabob, and very justly too; for he, Mr. Middleton, was undoubtedly the real nabob of the country. The man therefore, whom they talk of in this contemptuous manner, in order to make slight of an observation we made, and which I shall make again, and whom they affect to consider as a mere paragraph-monger in some scandalous newspaper, was a man vested by Mr. Middleton with authority equal to that of the nabob himself.

Mr. Hastings not only thought him of consequence enough to be a witness to the severities used on the ministers of the begums, but he considered that he would afterwards be a fit witness to the rebellion. I pray your lordships to mark this —he sent for this Hoolas Roi, (who is now nothing but a mere paragraph-monger,)—he sent for him from Fyzabad to Benares—a pretty long journey; and at last caused him to be examined before Sir Elijah Impey. He has, however, sunk his evidence; a suppression which is strongly in favor of the begums; and equally strong against their accuser. Here we have a man, who was intrusted with all their orders; who represented the English government; who represented the nabob's government; this man is sent for by Mr. Hastings: he gives his depositions before Sir Elijah Impey; and the deposition so given is not to be found either upon the company's record, in Sir Elijah Impey's trunk, in Jonathan Scott's trunk, or in any other place whatever. The evidence of a witness, who could speak most clearly, as probably he did, and most decisively upon this subject, is sunk. They suppress, and dare not produce, the affidavit of the man who was at the bottom of every secret of both governments. They had the folly to let you know, obliquely, that he had been sent for by Mr. Hastings, but they conceal the information obtained from him; a silence more damning than any positive evidence could be. You have here a proof of their practice of producing such evidence only as they thought most favorable to their wicked purposes, in the destruction of this great and ancient family.

But all the English, they say, believed in the existence of this rebellion. This we deny. Mr. Purling, who was resident the year before its pretended explosion, has told you, that he never knew of any thing like a plot carrying on by these women. We were almost ashamed to put the question to him. Did Mr. Bristow, the next resident, know or believe in this plot? He seems, indeed, to have been induced to give some oblique hints to Mr. Hastings of improper conduct on the part of the begums, but without stating what it was. In a letter to Mr. Hastings, he appears to endeavor to soften the cruel temper of this inflexible man, by going a little way with him, by admitting that he thought they had behaved improperly. When Mr. Wombwell, another resident, is asked, whether any Englishman doubted of it; he says, Mr. Bristow doubted of it. No one indeed, who reads these papers, can avoid seeing that Mr. Bristow did not believe one word of it; no more in fact than did Mr. Hastings or any body else.

But, my lords, let us go from these inferior agents and servants of the company to their higher officers. Did Mr. Stables believe it? This gentleman was Mr. Hastings's colleague in the council, a man of as much honor, I really believe, as ever went to India; a faithful old servant of the company, and very worthy of credit. I believe there is not a spot upon him during all his long service under the company—if any, it is his being a little too obsequious, sometimes, to Mr. Hastings. Did he believe it? No; he did not; and yet he was one of the persons authorized to investigate it coolly, and most able to do so. Upon the whole, then, the persons who best knew the state of the country did not believe it; the nabob did not believe it; the begums were never charged with it; no ground of suspicion is suggested, except loose rumors and the story of two nudjeeves. Under these circumstances the treasures of these ancient ladies were seized, their property confiscated, and the nabob dragged most reluctantly to this act. Yes, my lords, this poor, miserable

victim was forced to violate all the laws of nature, all decency, all property; to rob his own mother for the benefit of Mr. Hastings. All this he was forced to do, he was made the reluctant instrument of punishing his mother and grandmother for a plot, of which even their accusers do not pretend to say that the parties accused had ever received any intimation.

My lords, in forming your judgment upon this nefarious proceeding, your lordships will not fail to advert to the fundamental principles, the acknowledged maxims, and established rules of all judgment and justice,—that conviction ought to precede execution; that trial ought to precede conviction; and that a prosecutor's information and evidence ought to be the preliminary step and substance of the trial. Here every thing was reversed: Sir Elijah Impey goes up with the order for execution; the party accused is neither arraigned nor tried. This same Sir Elijah then proceeds to seek for witnesses, and to take affidavits, and in the mean time neither the nabob, the ostensible prosecutor, nor his mother and grandmother, the parties accused, knew one word of the matter.

But possibly some peculiarity in the circumstances of the case rendered such a proceeding necessary, and may justify it. No such peculiarity has been proved or even alleged; nay it is in the highest degree improbable that it could have existed. Mr. Hastings had another opportunity of doing himself justice, when an account of this business was transmitted to the court of directors, they ordered him to inquire into it: and your lordships will see what he did in consequence of this order. Your lordships will then judge of the extreme audacity of the defence, which he has made of this act at your bar, after having refused to institute any inquiry into it, although he had the positive order of the court of directors, and was in the place where that inquiry could be made effectually, and in the place where the unfortunate women could have an opportunity of clearing themselves.

I will first read to your lordships an extract from the letter of the court of directors to the board at Calcutta; dated the 14th of February, 1783.

4.—"By the second article of the treaty [of Chunar] the nabob is permitted to resume such jaghires as he shall think proper, with a reserve, that all such jaghirdars, for the amount of whose jaghires the company are guaranties, shall, in case of a resumption of their lands, be paid the amount of the net collections through the resident.

5.—"We do not see how the governor-general could consent to the resumption of such lands, as the company had engaged should remain in the hands of those, who possessed them previous to the execution of the late treaty, without stronger proofs of the begums' defection than have been laid before us; neither can we allow it to be good policy to reduce the several jaghirdars, and thus uniting the territory, and the troops maintained for the protection of that territory, under one head, who, by that means, at some future period, may become a very powerful enemy to the company.

6.—"With respect to the resumption of the jaghires possessed by the begums in particular, and the subsequent seizure of the treasure deposited with the vizier's mother, which the governor-general, in his letter to the board, 23d January, 1782, has declared he strenuously encouraged and supported, we hope and trust, for the honor of the British nation, that the measure appeared to be fully justified in the eyes of all Hindostan.

"The governor-general has informed us, that it can be well attested, that the begums principally excited and supported the late commotions, and that they carried their inveteracy to the English nation so far as to aim at our utter extirpation.

7.—"It must have been publicly known, that, in 1775, the resident at the vizier's court not only obtained from the begum, widow of the late Sujah Dowlah, on the nabob's ac-

count, thirty lacks of rupees, half of which was to be paid to the company, but also the forbearance of twenty-six lacks, for the repayment of which she had security in land, on the nabob's agreeing to renounce all further claim upon her, and that to this agreement the company were guaranties.

8.—"We find, that, on the 21st December, 1775, the begum complained of a breach of engagements on the part of the nabob, soliciting your protection for herself, her mother, and for all the women belonging to the seraglio of the late nabob, from the distresses to which they were reduced—in consequence whereof it was agreed in consultation, 3d January, 1776, to remonstrate with the vizier; the governor-general remarking—that, as the representative of our government has become an agent in this business, and has pledged the honor and faith of the company for the punctual observance of the conditions, under which the treaty was concluded—you had a right to interfere, and justice demanded it, if it should appear that those engagements have been violated.

"And the board at the same time resolved,—That, as soon as the begum's engagements with the nabob, to which Mr. Bristow is a party, shall be fulfilled on her part, this government will think themselves bound to protect her against any further demand or molestation.

9.—"If therefore the disaffection of the begums was not a matter of public notoriety, we cannot but be alarmed for the effects which these subsequent transactions must have had on the minds of the natives of India,—the only consolation we feel upon this occasion is, that the amount of those jaghires, for which the company were guaranties, is to be paid through our resident at the court of the vizier; and it very materially concerns the credit of your government on no account to suffer such payments to be evaded.

10.—"If it shall hereafter be found, that the begums did not take that hostile part against the company, which has

been represented, (as well in the governor-general's narrative, as in several documents therein referred to; and as it no where appears, from the papers at present in our possession, that they excited any commotion previous to the imprisonment of rajah Cheit Sing,) but only armed themselves in consequence of that transaction; and as it is probable that such a conduct proceeded entirely from motives of self-defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions, we direct that you use your influence with the vizier, that their jaghires may be restored to them; but if they should be under apprehensions respecting the future conduct of the vizier, and with our further protection, it is our pleasure that you afford those ladies an asylum within the company's territories, and these be paid the amount of the net collections of their jaghires, agreeably to the second article of the late treaty, through the medium of our resident, as may be ascertained upon an average estimate of some years back."

You see, my lords, the directors had received every one of his false impressions. They had conceived an idea, that, after the rebellion of Cheit Sing (but not before upon his own showing) the begums had shown a disposition to arm. They here assume a false fact, which Mr. Hastings stated in his representation of the business to them. They assume a variety of other false facts,—they assume, that the amount of the jaghires of the begums was to be paid them in regular pensions, whereas they were totally confiscated without any compensation at all. And yet, upon Mr. Hastings's own showing, they found the transaction to be so dishonorable to the British government, that they desire him to make inquiry into it, and give redress accordingly.

Here then is another order of the company, another call upon Mr. Hastings, to examine to the bottom of this affair. The directors, after giving him credit for that enormous mass of falsehoods, which we have proved him to have

stated in his narrative, found themselves so utterly dissatisfied, that they gave this conditional order to restore the begums to their jaghires. Your lordships will find it in evidence upon your minutes, that he contumaciously disobeyed this order; that he would not consent to the propositions of the council for inquiring into the conduct of these injured women; but stifled every attempt that was made by others to do them justice. And yet he here has the effrontery to propose, that your lordships should inquire into the business at your bar; that you should investigate a matter here, which he refused to inquire into on the spot, though expressly ordered by his masters so to do.

I will now read to your lordships a short extract from his own narrative of his own proceedings. It begins with reciting a part of a note entered by Mr. Macpherson in the consultations of the council, at the time when the orders of the court of directors, which I have just alluded to, were taken into consideration:—"What the court of directors seem to have most at heart are, first, That the engagement of the second article of the Benares treaty should be faithfully fulfilled; and secondly, to guard against the future misconduct of the vizier, if he should be disposed to oppress the begums:

"That we should therefore ascertain, whether the amount of the jaghires of the begums is regularly paid to them through the company's resident; and give them notice, that no future demands shall be made upon them. This the governor-general might, I think, do in a letter, that would make the begums sensible of their past misconduct, yet inform them of the lenity and gracious intentions of the company, in ordering them an asylum in Bengal, in case of future distress." In consequence of the foregoing opinion from Mr. Macpherson, the following minute was delivered by the governor-general:

"I should gladly acquiesce in the motion made by Mr. Macpherson, if I thought it possible to frame a letter to the

begums, in any terms which should at the same time convey the intimation proposed by it, and not defeat the purpose of it, or be productive of evils greater than any which exist, in consequence of the proceedings which have already taken place, and which time has almost obliterated; the orders of the court of directors are conditional, they require nothing; but in the event of discoveries made subsequent to the advices, which were before you on the 14th February last, in alleviation of the former conduct of the begums, nothing has since appeared in relation to them but their refusal, or rather that of one to fulfil her engagements for the payment of the remainder of the sum exacted from her by the nabob vizier, in the beginning of last year. Whatever obedience may be due to the clear and ascertained spirit of the orders of the court of directors, this obligation cannot extend to points, to which neither the letter nor evident spirit of their orders apply. If I am rightly informed, the nabob vizier and the begums are on terms of mutual good will; it would ill become this government to interpose its influence by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it; it will be to little purpose to tell them that their conduct has, in our estimation of it, been very wrong; and at the same time to announce to them the orders of our superiors, which more than indicate the reverse; they will instantly take fire on such a declaration, proclaim the judgment of the company in their favor, demand a reparation of the acts, which they will construe wrongs; with such a sentence warranting that construction, and either accept the invitation to the proclaimed scandal of the vizier, which will not add to the credit of our government, or remain in his dominions, but not under his authority, to add to his vexations and the disorders of the country, by continued intrigues and seditions; enough already exists to affect his peace, and the quiet of his people; if we cannot heal, let us not inflame the wounds which have been inflicted:

"If the begums think themselves aggrieved to such a degree, as to justify them in an appeal to foreign jurisdiction; to appeal to it against a man standing in the relation of son and grandson to them; to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs; let us at least permit them to be the judges of their own feelings, and prefer their complaints, before we offer to redress them; they will not need to be prompted:

"I hope, I shall not depart from the simplicity of official language, in saying, that the majesty of justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishment before trial, and even before accusation."

My lords, if, since the beginning of the world, such a paper as this was ever before written, by a person standing in the relation of a servant to his master, I shall allow that every word, we have said to your lordships upon this occasion to mark his guilt, ought to be expunged from your minutes, and from our charges.

Before I proceed to make any observations upon this act of open rebellion against his superiors, I must beg your lordships to remark the cruelty of purpose, the hostile feeling towards these injured women, which were displayed in this daring defiance. Your lordships will find, that he never is a rebel to one party, without being a tyrant to some others; that rebel and tyrant are correlative terms when applied to him, and that they constantly go together.

It is suggested by the directors, that the nabob is the persecutor, the oppressor, and that Mr. Hastings is the person who is to redress the wrong; but here they have mistaken the matter totally. For we have proved to your lordships, that Mr. Hastings was the principal in the persecution, and that the nabob was only an instrument:—"If I am rightly informed," he says, "the nabob and the begums are on terms

of mutual good will. It would ill become this government to interpose its influence by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it."—What animosities had they towards each other? None, that we know of. Mr. Hastings gets the nabob to rob his mother; and then he supposes, contrary to truth, contrary to fact, contrary to every thing your lordships have heard, that the nabob would fall into a fury if his mother was to obtain any redress; and that if the least inquiry into this business was made, it would create a flame in the nabob's mind, on account of the active, energetic, spirited part he had taken in these transactions. Therefore, says he, Oh! for God's sake, soothe the matter:—it is a green wound:—don't uncover it:—do nothing to irritate:—it will be to little purpose to tell them that their conduct has in our estimation of it been very wrong, and at the same time announce to them the orders of our superiors, which more than indicate the reverse. Now, my lords, to what does all this amount? First, says he, I will not do them justice.—I will not enter upon an inquiry into their wrongs. Why?—Because they charge us with having inflicted them. Then surely for that reason, you ought to commence an inquiry. No, says he, that would be telling them that our superiors suspect we are in the wrong. But when his superiors more than indicated suspicions, was he not bound ten fold to make that inquiry, for his honor and for their satisfaction, which they direct him to make? No, he will not do it, because, says he, the begums would either accept the offer of an asylum in the company's territories, to the proclaimed scandal of the vizier, which would not add to the credit of our government; or they would remain in his dominions, but not under his authority, to add to his vexations, and the disorders of the country, by continual intrigues and seditions.

You see, my lords, this man is constantly thrusting this peaceable nabob before him, goading and pushing him on, as if with a bayonet behind, to the commission of every thing

that is base and dishonorable. You have him here declaring that he will not satisfy the directors, his masters, in their inquiries about those acts, for fear of the nabob's taking umbrage, and getting into a flame with his mother; and for fear the mother, supported by the opinion of the directors, should be induced to resent her wrongs.—What, I say, does all this amount to?—It amounts to this—The begums accuse me of doing them injustice; the directors indicate a suspicion that they have been injured; therefore I will not inquire into the matter. Why?—because it may raise disturbances. But what disturbance could it raise?—The mother is disarmed and could not hurt the nabob. All her landed estates he knew were confiscated. He knew all her money was in his own possession; he knew she had not the means, if she had been disposed, to create intrigues and cabals;—what disturbance then could be created by his sending a letter to know what she had to say upon the subject of her wrongs?

"*If*," says he, "the begums *think themselves aggrieved.*" Observe, my lords, that the institution of an inquiry is no measure of the begums; it is an order of the court of directors, made by them upon his own representation of his own case, and upon nothing else. The begums did not dare to murmur.—They did not dare to ask for redress. God knows the poor creatures were at or about the time his prisoners; robbed—stripped of every thing; without hope and without resource.—But the directors, doing their duty upon that occasion, did condemn him upon his own false representations contained in that bundle of affidavits, upon which his counsel now contend that your lordships should acquit him. But, says he, are they to *appeal to a foreign jurisdiction?* When these women were to be robbed, we were not foreigners to them; on the contrary, we adjudged them guilty of rebellion. We sent an English chief justice to collect materials of accusation against them. We sent English officers to take their money. The whole was an English transaction. When wrong is to be done, we have then an interest in the country

to justify our acting in it; but when the question is of redressing wrongs, when the question is of doing justice, when the question is of inquiry, when the question is of hearing complaints, then it is a foreign jurisdiction.—You are to suffer Mr. Hastings to make it foreign, or to make it domestic, just as it answers his purposes.—*But they are to appeal against a man standing in the relation of son and grandson to them, and to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs.*—

Why, my lords, if he allows that he is the abettor of, and the instrument to which the directors impute these wrongs, why, I ask, does he, with those charges lying upon him, object to all inquiry in the manner you have seen?

But the company's governor is, it seems, all at once transformed into a great sovereign—the majesty of justice ought to be approached with solicitation. Here, my lords, he forgets at once the court of directors; he forgets the laws of England, he forgets the act of parliament, he forgets that any obedience is due to his superiors. The begums were to approach him by the orders of the court of directors; he sets at nought these orders, and asserts that he must be approached with solicitations. "*Time*," says he, "*has obliterated their sufferings.*" Oh! what a balm of oblivion time spreads over the wrongs, wounds, and afflictions of others, in the mind of the person who inflicts those wrongs and oppressions. The oppressor soon forgets. This robbery took place in 17...; it was in the year 1783, when he asserted that the waters of Lethe had been poured over all their wrongs and oppressions.

Your lordships will mark this insulting language, when he says that both the order of the directors and the application of the begums for redress must be *solicitations to him.*

[Here Mr. Burke was interrupted by *Mr. Hastings*, who said, "My lords, there was no order. I find a man's patience may be exhausted. I hear so many falsehoods, that I must declare there was no order of the court of directors. Forgive

me, my lords. He may say what he pleases; I will not again controvert it. But there is no order; if there is, read it."]

Mr. Burke then proceeded. Judge you, my lords, what the insolence, audacity, and cruelty of this man must have been, from his want of patience in his present situation, and when he dares to hold this language here. Your lordships will reckon with him for it, or the world will reckon with you.

Mr. Hastings here again interrupted Mr. Burke and said, "There was no order for inquiry."

Mr. Burke.—Your lordships have heard the letter read; I mean the letter from the directors, which I read just now. You will judge whether it is an order or not. I did hope within these two days, to put an end to this business; but when your lordships hear us charged with direct falsehood at your bar; when you hear this wicked wretch who is before you—

From a lord.—Order, order, order.

Mr. Burke.—Order, my lords, we call for in the name of the Commons. Your lordships have heard us accused, at your bar, of falsehood, after we had read the order upon which our assertion was founded. This man, whom we have described as the scourge and terror of India; this man gets up, and charges us, not with a mistake, an error, a wrong construction, but a direct falsehood; and adds, that his patience is worn out with the falsehood he hears. This is not an English court of justice if such a thing is permitted. We beg leave to retire, and take instructions from our constituents. He ought to be sent to Bridewell for going on in this manner.

[*Mr. Wyndham here read the letter again.*]

Mr. Burke.—With regard to the ravings of this unhappy man, I am sure, if I were only considering what passed from him to the managers in this box, and knowing what allow-

ance is due to a wounded conscience, brought before an awful tribunal, and smarting under the impressions of its own guilt, I would pass them over. But, my lords, we have the honor of the Commons; we have the honor of this court to sustain. [Your lordships, the other day, for an offence committed against a constable, who was keeping the way under your orders, did very justly, and to the great satisfaction of the public, commit the party to Bridewell, for a much slighter insult against the honor and dignity of your court.] And I leave it therefore for the present, till your lordships can seriously consider what the mode of proceeding in this matter ought to be.—I now proceed.—

We have read to your lordships the orders of the court of directors; I again say we consider them as orders; your lordships are as good judges of the propriety of the term as we are. You have heard them read; you have also heard that the council at Calcutta considered them as orders, for resolutions were moved upon them; and Mr. Stables, in evidence before you here, who was one of the council, so considered them; and yet this man has the frantic audacity in this place, to assert that they were not orders; and to declare, that he cannot stand the repetition of such abominable falsehoods as are perpetually urged against him. We cannot conceive that your lordships will suffer this, and if you do, I promise you, the Commons will not suffer the justice of the country to be trifled with and insulted in this manner; because, if such conduct be suffered by your lordships, they must say that very disagreeable consequences will ensue, and very disagreeable inferences will be drawn by the public concerning it. You will forgive, and we know how to forgive, the ravings of people smarting under a conscious sense of their guilt. But when we are reading documents given in evidence, and are commenting upon them, the use of this kind of language really deserves your lordships' consideration. As for us, we regard it no more than we should

r noise and brawlings of criminals, who in irons may be through the streets, raving at the magistrate that has mitted them. We consider him as a poor, miserable man, ıg at his accusers; it is natural he should fall into all ə frantic ravings, but it is not fit or natural that the t should indulge him in them. Your lordships shall now in what sense Mr. Wheler and Mr. Stables, two other ıbers of the council, understood this letter.

r. Wheler thus writes:—"It always has been, and will ny wish to perform implicitly the orders of the court of :tors, and I trust that the opinion which I shall give upon part of the court's letter, which is now before us, will be taken up against its meaning, as going to a breach of ı; the orders at present under the board's consideration ıntirely provisional.

Nothing has passed since the conclusion of the agreement ə by the governor-general with the vizier at Chunar, :h induces me to allow the opinion which I before held, ell as from the governor-general's reports to this board, he opinions which I have heard of many individuals, ly unconcerned in the subject, that the begums at Fyza- did take a hostile part against the company during the ırbances at Benares; and I am impressed with a convic- that this conduct of the begums did not proceed entirely motives of self-defence; but as the court of directors ı to be of a different opinion, and conceive that there ıt to be stronger proofs of the defection of the begums have been laid before them; I think, that before we de- on their orders, the late and present resident at the r's court, and the commanding officers in the vizier's try, ought to be required to collect and lay before the l all the information they can obtain, with respect to the :tion of the begums during the troubles in Benares, and present disposition to the company."

r. Stables, September 9th, 1783, writes thus: "The

court of directors, by their letter of the 14th February, 1783, seem not to be satisfied that the disaffection of the begums to this government is sufficiently proved by the evidence before them. I therefore think that the late and present resident, and commanding officers in the vizier's country at the time, should be called upon to collect what further information they can on the subject, in which the honor and dignity of the government is so materially concerned, and that such information may be immediately transmitted to the court of directors."

When questioned upon this subject at your lordships' bar, he gives this evidence :—" *Q.* What was your motive for proposing that investigation ?—*A.* A letter from the court of directors ; I conceived it to be ordered by them. *Q.* Did you conceive the letter of the court of directors positively to direct that inquiry ?—*A.* I did so certainly at the time, and I beg to refer to the minutes which expressed it. [A question was put to the same witness by a noble lord :] *Q.* The witness has stated, that at the time he has mentioned, he conceived the letter from the court of directors to order an inquiry, and that it was upon that opinion that he regulated his conduct, and his proposal for such inquiry ; I wish to know whether the expression at the time was merely casual, or am I to understand from it that the witness has altered his opinion of the intention of this letter since that time ?—*A.* I certainly retain that opinion, and I wished the inquiry to go on."

My lords, you see that his colleagues so understood it. You see that we so understood it, and still you have heard the prisoner, after charging us with falsehood, insultingly tell us, we may go on as we please, we may go on in our own way. If your lordships think that it was not a positive order which Mr. Hastings was bound to obey, you will acquit him of the breach of it. But it is a most singular thing, among all the astonishing circumstances of this case, that this man, who has heard, from the beginning to the end

of his trial, breaches of the company's orders constantly charged upon him,—nay, I will venture to say, that there is not a single step that we have taken in this prosecution, or in observations upon evidence, in which we have not charged him with an avowed direct breach of the company's order—you have heard it ten times this day,—in his defence before the Commons, he declares he did intentionally, in naming Mr. Markham, break the company's orders: it is singular, I say, that this man should now pretend to be so sore upon this point. What is it now that makes him break through all the rules of common decency and common propriety, and show all the burnings of guilt, upon being accused of the breach of one of the innumerable orders which he has broken; of which he has avowed the breaking, and attempted to justify himself a thousand times in the company's books, for having broken?

My lords, one of his own body, one of the council, has sworn at your bar, what he repeatedly declared to be his sense of it. We consider it as one of the strongest orders that can be given, because the reason of the order is added to it; the directors declaring that, if it should not be found upon inquiry—you see, my lords, it puts the very case—if you do not find such and such things, we shall consider the English honor wounded and stained, and we direct you to make reparation. There are, in fact, two orders contained in this letter, which we take to be equally strong and positive; and we charge him with the breach of both—namely, the order for inquiry, and the conditional order of restoring to the begums their jaghires, or making satisfaction for them; and in case of any apprehension of reluctance in the nabob, to bring them for security into the company's territories. The two last positive orders are preceded by the supposition of an inquiry, which was to justify him either in the acts he had done, or to justify him in making restitution. He did neither the one nor the other. We aver that he disobeyed all these orders. And now let his impatience break out again.

Your lordships have seen, amongst the various pretences by which this man has endeavored to justify his various delinquences, that of fearing to offend the nabob, by the restoration of their jaghires to the begums, is one. Your lordships will form your own judgment of the truth or falsehood of this pretence, when you shall have heard the letter which I shall now read to you, written to Mr. Hastings by the nabob himself.

Letter from the Nabob Vizier to Mr. Hastings, 25th February, 1782.

"You performed on every occasion towards me whatever was becoming of friendship; I too have done whatever affection required and you commanded, and in future also, whatever may be your pleasure, there shall be no deviation therefrom, because whatever you direct is altogether for my benefit. The business for which I came to Fyzabad is become settled by your favor; particulars will become known to your wisdom from the writings of Mr. Middleton. I am grateful for your favors. If in these matters you sincerely approve me, communicate it, for it will be a comfort to me. Having appointed my own aumils to the jaghire of the lady mother, I have engaged to pay her cash. She has complied with my views. Her pleasure is, that after receiving an engagement, he should deliver up the jaghires. What is your pleasure in this matter? If you command, it will comfort the lady mother giving her back the jaghire after I have obtained my views; or I will have it under my aumil. I am obedient to your pleasure."

Your lordships here see the begum a suppliant to have her jaghire restored, (after entering into some engagement that might have been required of her,) and the nabob, in a tone equally suppliant, expressing his consent, at least, that her request should be complied with, if the command of Mr. Hastings could be procured. My lords, in order to save your

lordships' time, and that I might not overload this business, I did not intend to have troubled you with any observations upon this part of it; but the charge of falsehood which the prisoner at your bar has had the audacity to bring against us, has induced me to lay it more particularly before you. We have now done with it; but before we retire, your lordships will permit me to recapitulate briefly the substance of what has now been urged respecting his conduct towards these miserable women. We accuse him of reiterated breaches of the orders of the court of directors, both in the letter and spirit of them, and of his contempt of the opinions which his colleagues in office had formed of them. We charge him with the aggravation of these delinquencies, by the oppression and ruin which they brought upon the family of the nabob, by the infraction of treaties, and by the disrepute which in his person was sustained by the government he represented, and by the stain left upon the justice, honor, and good faith of the English nation. We charge him with their farther aggravation, by sundry false pretences alleged by him in justification of this conduct, the pretended reluctance of the nabob, the fear of offending him, the suggestion of the begums having forgotten and forgiven the wrongs they had suffered, and of the danger of reviving their discontent by any attempt to redress them, and by his insolent language, that the majesty of justice with which he impudently invests himself, was only to be approached with solicitation. We have farther stated, that the pretence that he was only concerned in this business as an accessory, is equally false; it being on the contrary notorious, that the nabob was the accessory, forced into the service, and a mere instrument in his hands; and that he and Sir Elijah Impey, (whose employment in this business we stated as a farther aggravation,) were the authors and principal agents. And we farther contend, that each of these aggravations and pretences is itself, in fact, and in its principle, a substantive crime.

Your lordships witnessed the insolence with which this

man, stung to the quick by the recital of his crime, interrupted me; and you heard his recrimination of falsehood against us. We again avouch the truth of all and every word we have uttered, and the validity of every proof with which we have supported them. Let his impatience, I say, now again burst forth; he who feels so sensibly every thing that touches him, and yet seeks for an act of indemnity for his own atrocities, by endeavoring to make you believe, that the wrongs of a desolated family are, within one year, forgotten by them, and buried in oblivion.

I trust, my lords, that both his prosecutors and his judges will evince that patience, which the criminal wants. Justice is not to wait to have its majesty approached with solicitation; we see that throne, in which resides invisibly, but virtually, the majesty of England; we see your lordships representing, in succession, the juridical authority in the highest court in this kingdom; but we do not approach you with solicitation; we make it a petition of right; we claim it; we demand it. The right of seeking redress is not suppliant, even before the majesty of England; it comes boldly forward, and never thinks it offends its sovereign, by claiming what is the right of all his people.

We have now done with this business; a business as atrocious as any that is known in the history of mankind; a business that has stained, throughout all Asia, the British character, and by which our fame for honor, integrity, and public faith, has been forfeited; a business which has introduced us throughout that country, as breakers of faith, destroyers of treaties, plunderers of the weak and unprotected; and has dishonored, and will for ever dishonor, the British name. Your lordships have had all this in evidence. You have seen in what manner the nabob, his country, his revenues, his subjects, his mother, his family, his nobility, and all their fortunes, real and personal, have been disposed of by the prisoner at your bar; and having seen this, you will, by the impatience of this criminal, estimate the patience of the

unfortunate women into whose injuries he refused to inquire. What he would not do, the Commons have done. They know that you have a feeling different from that which he manifested on this occasion; they do not approach you suppliantly, but demand justice; they insist that as the Commons have done their part, your lordships will perform yours.

We shall next proceed to show your lordships how he acted towards another set of women, the women of the late Sujah Dowlah, and for whom the directors had ordered a maintenance to be secured by an express treaty. You will see that he is cruel towards the weak sex, and to all others, in proportion as they are weak and powerless to resist him.

You will see, I say, when he had usurped the whole government of Oude, and brought it into a servile dependence on himself, how these women fared, and then your lordships will judge whether or not, and in what degree, he is criminal.

[Adjourned.

TRIAL.

THURSDAY, 12TH JUNE, 1794.

SEVENTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS, — When I had last the honor of addressing your lordships from this place, my obrervations were principally directed to the unjust confiscation and seizure of the jaghires and treasures of the begums, without previous accusation, or trial, or subsequent inquiry into their conduct; in violation of a treaty made with them and guarantied by the East India Company;—to the long imprisonment and cruel treatment of their ministers, and to the false pretences and abominable principles by which the prisoner at your bar has attempted to justify his conduct.

The several acts of violence and of oppression were, as we have shown your lordships, committed with circumstances of aggravated atrocity highly disgraceful to the British name and character; and particularly by his forcing the nabob to become the means and instrument of reducing his mother and grandmother and their families to absolute want and distress.

I have now to call your attention to his treatment of another branch of this miserable family; the women and children of the late nabob Sujah ul Dowlah. These persons were dependent upon the begums; and, by the confiscation of their property, and by the ruin of various persons who

would otherwise have contributed to their maintenance, were reduced to the last extremity of indigence and want. Being left without the common necessaries of life, they were driven to the necessity of breaking through all those local principles of decorum, which constitute the character of the female sex in that part of the world; and, after fruitless supplications and shrieks of famine, they endeavored to break the inclosure of the palace, and to force their way to the market-place in order to beg for bread. When they had thus been forced to submit to the extremity of disgrace and degradation, by exposing themselves to public view with the starving children of their late sovereign, the brothers and sisters of the reigning prince, they were, in this attempt, attacked by the sepoys armed with bludgeons, and driven back by blows into the palace.

My lords, we have first laid before you the sufferings and disgraces of women of the first distinction in Asia; protected by their rank—protected by their sex—protected by their near relation to the prince of the country—protected by two guaranties of the representative of the British government in India. We now come to another class of women, who suffered by the violent misappropriation of the revenues of the nabob, by which their regular allowance was taken from them; and your lordships will find, that this man's crimes, at every step we take, ripen into guilt; his acts of positive injustice are always aggravated by his conduct with regard to the consequences of them, and form but a small part in the mass of oppression and tyranny, which we have brought before you.

My lords, the unjust seizure of the jaghires and treasures of the begums, out of which those women were maintained, reduced them to a state of indigence, and exposed them not only to the sufferings which belong to the physical nature of man, but also to the indignities which particularly affected their sex and condition. But before I proceed, I will beg leave to restate to your lordships, and recall to your memory

who these women were. The nabob Sujah Dowlah had but one legitimate wife; though the Mahomedan law admits of this number's being extended in certain cases even to four—yet it is for the most part held disreputable, especially when a person is married to a woman of the first distinction, to have more than one legitimate wife. Upon looking into the Hedaia your lordships will see with what extreme rigor fornication is forbidden; but we know that persons of high rank, by customs that supersede both religion and laws, add to the number of their wives, or substitute in their room wives of a subordinate description, and indulge themselvés in this license to an unlimited degree; you will find in Chardin's Travels, where he treats of the subject of marriage, that such is the custom of all the princes of the East. The wives of this subordinate class, though they are in reality no better than concubines, and are subject to the power and caprices of their lords, are yet allowed, in the eye of the severest moralists, to have some excuse for their frailty and their weakness; and they accordingly always do find a degree of favor in this world, and become the object of particular protection.

We know that Sujah ul Dowlah was a man unquestionably in his manners very licentious with regard to women, that he had a great number of these women in his family; and that his women and the women attendant upon the persons of his favorites had increased to a very great number. We know, that his sons amounted to twenty; or according to Mr. Hastings's own account to nineteen. Montesquieu supposes that there are more females born in the East than in the West. But he says this upon no good ground. We know by better and more regular information concerning this matter, that the birth of males and females in that country, is in the same proportion as it is here; and therefore if you suppose that he had twenty sons, you may suppose he had about nineteen daughters. By the customs of that country all these sons and daughters were considered as persons of eminent distinction, though inferior to the legitimate children; assuming

the rank of their father, without considering the rank which their mother held. All these wives with their children, and all their female servants and attendants, amounting in the whole to about eight hundred persons, were shut up in what they call the Khourd Mhal, or lesser palace. This place is described by one of the witnesses to be about as large as St. James's Square. Your lordships have been told that in other circumstances, as well as this, these women were considered as objects of a great degree of respect, and of the greatest degree of protection. I refer your lordships to the treaty by which their maintenance was guarantied by the English government.

In order to let your lordships see that I state nothing to you but what is supported not only by general history, which is enough to support an account of general manners, but by the particular and peculiar opinions of a person best informed of the nature of the case; I will refer you to the nabob himself; for undoubtedly the nabob of Oude, the vizier of the empire, the subadar of the country, was most likely to be the best judge of what respect was due to the women of his father's family. I will therefore read to your lordships, from his own letters, what the nabob's opinion was upon this subject.

Extract of a letter from the vizier, received 23d of August, 1782:—"I never found resource equal to the necessary expenses. Every year by taking from the ministers and selling the articles of my Harkhanna, I with great distress transacted the business; but I could not take care of my dependents, so that some of my brothers, from their difficulties, arose and departed; and the people of the Khourd Mhal of the late nawab, who are all my mothers, from their distresses are reduced to poverty and involved in difficulties; no man of rank is deficient in the care of his dependents, in proportion to his ability."

Another letter from the vizier, received the 31st July, 1784:—"My brother, dear as life, Saadit Ali Khân, has requested that I would permit his mother to go and reside with him; my friend, all the mothers of my brothers, and the women of the late nawab, whom I respect as my own mothers, are here, and it is incumbent upon me to support them; accordingly I do it, and it is improper that they should be separated, nor do I approve it. By God's blessing and your kindness, I hope that all the women of the late nawab may remain here; it is the wish also of my grandmother and my mother that they should."

Your lordships now see in what degree of estimation the nabob held these women. He regarded the wives of his father as his honorary mothers; he considers their children as his brethren; he thinks it would be highly dishonorable to his government, if one of them was taken out of the sanctuary in which they are placed, and in which, he says, the great of the country are obliged to maintain their dependents. This is the account given by the person best acquainted with the usages of the country; best acquainted with his own duties; best acquainted with his own wishes.

Now, my lords, you will see in what light another person, the agent of a trading company, who designates himself under the name of majesty, and assumes other great distinctions, presumes also to consider these persons; and in what contempt he is pleased to hold, what is respected, and what is held sacred in that country. What I am now going to quote, is from the prisoner's second defence. For I must remind your lordships, that Mr. Hastings has made three defences; one in the House of Commons; another in the lobby of the House of Commons; and a third at you lordships' bar. The second defence, though delivered without name, to the members in the lobby of the House of Commons, has been proved at your lordships' bar, to be written by himself. This lobby, this out-of-door defence, militates in some re-

spects, as your lordships will find, with the in-door defence; but it probably contains the real sentiments of Mr. Hastings himself, delivered with a little more freeness when he gets into the open air, like the man who was so vain of some silly plot he had hatched, that he told it to the hackney coachman, and every man he met in the streets.

He says, "Begums are the ladies of an Eastern prince, but these women are also styled the ladies of the late vizier, and their sufferings are painted in such strong colors, that the unsuspecting reader is led to mix the subjects together, and to suppose that these latter too were princesses of Oude; that all their sufferings proceeded from some act of mine, or had the sanction of my authority or permission. The fact is, that the persons of the Khourd Mahl (or little seraglio) were young creatures, picked up wherever youth and beauty could be found, and mostly purchased from amongst the most necessitous and meanest ranks of the people, for the nabob's pleasures." In the in-door defence, he says, "The said women, who were mostly persons of low condition, and the said children, if any such there were, lived in the Khourd Mahl, on an establishment entirely distinct from the said begums."

My lords, you have seen what was the opinion of the nabob, who ought to know the nature and circumstances of his father's palace, respecting these women; you hear what Mr. Hastings's opinion is: and now the question is, whether your lordships will consider these women in the same light in which the person does who is most nearly connected with them, and most likely to know them; or in the way in which Mr. Hastings has thought proper within doors to describe them. Your lordships will be pleased to observe, that he has brought no proof whatever of facts, which are so boldly asserted by him in defiance of proof to the contrary, totally at variance with the letter of the son of the man to whom these women belonged. Your lordships, I say, will remark,

that he has produced not one word of evidence, either within the House of Commons, or the House of Peers, or in the lobby, or any where else, to verify any one word he has said. He slanders these women, in order to lessen that compassion which your lordships might have for the sufferings he inflicted upon them. But admitting that some of these women were of a meaner condition, and that they derived nothing from their connection with the dignity of the person by whom they had children, (and we know that in the whole they amounted to about fourscore children, the nabob having a race like the patriarchs of old, as many great persons in that part of the world still have,) supposing I say all this to be true; yet, when persons are reduced from ease and affluence to misery and distress, they naturally excite in the mind a greater degree of compassion by comparing the circumstances, in which they once stood, with those into which they are fallen; for famine, degradation, and oppression were famine, degradation, and oppression to those persons, even though they were as mean as Mr. Hastings chooses to represent them. But I hope, as you will sympathize with the great on account of their condition, that you will sympathize with all mankind on the ground of the common condition of humanity, which belongs to us all; therefore I hope your lordships will not consider the calumny of Mr. Hastings against those women, as any other than as an aggravation of his offence against them. That is the light in which the House of Commons considered it; for they had heard both his indoor and out-door defence, and they still persevered in making the charge, and do persevere in making it still.

We have first stated what these women were; in what light they stood with the nabob; in what light they stood with the country at large. I have now to state in what light they stood with the British government, previous to this invasion of their rights; and we will prove they were the actual subjects of a guaranty by the company.

Extract from an agreement made by Mr. Middleton, to all the particulars of which he engages to procure a treaty from the nabob Azoph ul Dowlah after his arrival, and that he will also sign it, as follows :—

" First, that whenever the begum shall choose to go to Mecca, she shall be permitted to go."

" Second, that when the nabob shall arrive, I (Mr. Middleton) will procure suitable allowances to be made to the ladies of the zenana, and the children of the late nabob Sujah ul Dowlah, and take care that they are paid."

" Third, that the festivals (shaddee) and marriages of the children of the late nabob Sujah ul Dowlah, shall be at the disposal of the begum; whenever she thinks proper she shall marry them; and whatever money shall be necessary for these expenses shall be paid by the nabob."

" Fourth, that the Syer of Coda Gunge and Ally Gunge shall be retained by the begum as heretofore."

"Fifth, that I (Mr. Middleton) will, upon the arrival of the nabob, procure vizier Gunge and the garden of Sepoy dand Khân, or their equivalent, for the begum."

" Sixth, that I (Mr. Middleton) will endeavor to obtain from the nabob the sum of 1,150,000 rupees on account of the purchase of Metchee Bohaun, and the house of Sahebjee, and the fort of the Gossim, with the land and garden and the barraderry on the banks of Goomply, and bazar and garden of the house of Mahnarain and the house of Beng Peofand at Lucknow; all of which the nabob Azoph ul Dowlah has assumed possession of."

" Seventh, that I will settle with the nabob the allowances to be made in ready money to the ladies of the zenana and others specified, in the following amount:—Total, 17 lacks, 250 rupees per month."

" Eighth, upon the arrival of the nabob Azoph ul Dowlah Bahadre, I will endeavor with all my influence to settle the monthly allowances of Mohrum Ally Khân and Mahmud Eltifant Khân, &c., the attendants of the begums."

"Ninth, that, if the begum shall go to Mecca, she shall leave her mahals and jaghires to the begum, the mother of Azoph ul Dowlah, who shall remit the revenues thereof to the Burree Begum; no one shall prevent her enjoying her jaghires."

Now, my lords, we will read the copy of an engagement under the seal of the nabob Azoph ul Dowlah, and under the seal and signature in English, of Mr. Middleton, as follows:—

"First, I, who am the nabob Azoph ul Dowlah Bahadre, do agree, that the jaghires and the ginges and monthly allowance of the officers and servants, and of the ladies of the zenana, and of those specified in the accounts annexed, shall be at the disposal and under the management and authority of the begum, and no one shall oppose or prevent it; this I will punctually observe. In this agreement Mr. Middleton and the English are engaged."

"Second, whenever the begum may choose to go to Mecca I will not oppose it."

"Third, whenever the begum should go to Mecca, she shall leave her lands, jaghires, &c., either in the care of my mother or of me; and I will procure bills for the amount of their revenues, and send them to her; no one shall oppose this."

"Fourth, the begum shall have authority over all the ladies of her zenana, she shall let them remain with me and not let them go any where without my permission, or keep them with her."

"Fifth, the jaghires Coda Gunge and Ally Gunge, &c. with the mahal and syer belonging to the begum and made over, shall remain as heretofore in her possession.—Total, 14,460 rupees per month."

"Eighth, the begum has authority over the ladies and attendants of the zenana; neither myself nor any one else will oppose it."

"Ninth, the begum (my grandmother) shall have the authority in all festivals, and in the marriage of the children of the late nabob Sujah ul Dowlah, and with the consent of my mother and myself, shall regulate them; excepting in the festivals, (shaddee,) the authority is mine."

"The English are guaranties to the above engagements, so long as the begum shall exist."

Your lordships will observe something here worthy of your notice. You will first perceive, that the very treaty in which Mr. Hastings, by his representative, Mr. Middleton, was a party concerned, supposes that the nabob Sujah ul Dowlah had other children besides the reigning prince by his sole legitimate wife; and yet Mr. Hastings in his defence has thought proper, with a full knowledge of that circumstance, to doubt whether there were any other children. You next see, that these women have Mr. Middleton's (that is, Mr. Hastings's) guaranty for the allowances which are made and settled upon them, and for the maintenance of their attendants, for the security and enjoyment of their own possessions, for their having a law officer of high rank, a moulavre of their own. In short, there is a regular establishment formed for all these women; they are not separated as a part distinct from the begums; but they are put, by this very guaranty, entirely under their management; the maintenance of the children is secured, the whole order and economy of their establishment is delivered entirely to the begum the grandmother, and the begum the mother of the nabob.

My lords, you see that all these arrangements have the solemn guaranty of the company, and that these women form a very considerable part of that guaranty; and therefore your lordships will not treat their sufferings, inflicted in violation of the company's own settlement and guaranty, as a matter of no consideration for you. But to proceed—

We have proved to your lordships, that the nabob was reduced to a state of the greatest possible misery and distress;

that his whole revenue was sequestered into the hands of Mr. Hastings's agents; and that by the treaty of Chunar, he was to be relieved from the expense of a body of troops, with which he had been burdened without his own voluntary consent; nay more, the temporary brigade which Mr. Hastings proposed to take off, but kept on; which he considers not only as a great distress to his finances, but a dreadful scourge and calamity to his country; there was a whole pension list upon it, with such enormous pensions as £18,000 a year to Sir Eyre Coote, and other pensions that Mr. Hastings proposed to take off, but did not. That in proportion as the nabob's distress increased, Mr. Hastings's demands increased too; he was not satisfied with taking from him for the company, but he took from him for himself; he demanded £600,000 as a loan, when he knew he had neither money nor credit.

The consequence of these acts of violence was, that these people, besieged by the English troops, and deprived of every resource, even of the funds of charity, by which the protectors of the family, male and female, might have relieved them, but which the cruel rapacity of Mr. Hastings had either entirely taken away, or greatly diminished, were reduced to the last extremity of distress.

After the length of time which has elapsed since we first brought these matters, with their proofs, I shall beg leave, before you go to judgment, to refresh your memory with a recital of a part of that evidence; in order that your lordships may again fully and distinctly comprehend the nature and extent of the oppression, cruelty, and injustice committed by Mr. Hastings, and by which you may estimate the punishment you will inflict upon him.

Letter from Captain Leonard Jaques to Richard Johnson, Esq., Resident at the Vizier's Court; March 6th, 1782.

"Sir,—The women belonging to the Khourd Mahl complain of their being in want of every necessary of life, and

are at last drove to that desperation, that they at night get on the top of the zenana, make a great disturbance, and last night not only abused the centinels posted in the gardens, but threw dirt at them; they threatened to throw themselves from the walls of the zenana, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any direction to give me concerning it. I also beg leave to acquaint you, I sent for Lataffit Ali Khân, the cojah who has the charge of them, who informed me, their complaint is well grounded, that they have sold every thing they had, even to the clothes from their backs, and now have no means of existing; enclosed, I transmit you a letter from Monatall on the subject."

Letter from Captain Jaques to Richard Johnson, Esq.; March 7th, 1782.

"Sir,—I beg leave to address you again concerning the women in the Khourd Mahl; their behavior last night was so furious, that there seemed the greatest probability of their proceeding to the utmost extremities, and that they would either throw themselves from the walls, or force the doors of the zenana. I have made every inquiry concerning the cause of their complaints, and find from Lataffit Ali Khân, that they are in a starving condition, having sold all their clothes and necessaries, and now have not wherewithal to support nature; and as my instructions are quite silent upon this head, should be glad to know how to proceed in case they were to force the doors of the zenana; as I suspect it will happen, should no subsistence be very quickly sent to them."

Letter from Major Gilpin to John Bristow, Esq., Resident at the Court of Lucknow; 30th October, 1782.

"Last night, about eight o'clock, the women in the

Khourd Mahl zenana, under the charge of Lataffit Ali Khân, assembled on the tops of the buildings, crying in a most lamentable manner for food; that for the last four days they had got but a very scanty allowance, and that yesterday they had got none. The melancholy cries of famine are more easily imagined than described; and from their representations, I fear that the nabob's agents for that business are very inattentive. I therefore think it requisite to make you acquainted with the circumstance, that his excellency the nabob may cause his agents to be more circumspect in their conduct to these poor, unhappy women."

Letter from Mr. Bristow to Major Gilpin; Fyzabad, 4th November, 1782.

"Sir,—I have received your letters of the 12th, 19th, 27th, and 30th ultimo. I communicated the contents of that of the 30th to the minister, who promised me to issue orders for the payment of a sum of money to relieve the distress of the Khourd Mahl. I shall also forward a bill for 10,000 rupees to you in the course of three or four days; and if in the mean time you may find means to supply to the amount of that sum, I will become personally responsible to you for the repayment."

Letter from Major Gilpin to John Bristow, Esq., at the Court of Lucknow; Fyzabad, 15th November, 1782.

"Sir,—The repeated cries of the women in the Khourd Mahl zenana for subsistence have been truly melancholy. They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or be relieved from their misery by immediate death. In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favor of Ramnarain at ten days sight, for twenty son Kerah rupees, ten thousand of which I have paid

to Cojah Lataffit Ali Khân, under whose charge that zenana is."

These, my lords, are the state of the distresses in the year 1782; and your lordships will see that they continued almost, with only occasional reliefs, during the period of that whole year. Now we enter into the year 1783, to show you that it continued during the whole time; and then I shall make a very few remarks upon it.

I will now read to your lordships a part of Mr. Holt's evidence, by which it is proved that Mr. Hastings was duly advertised of all these miserable and calamitous circumstances:—" *Q.* Whether you saw a letter of intelligence from Fyzabad, containing a relation of the treatment of the women in the Khourd Mahl?—*A.* Yes, I did, and translated it. *Q.* From whom did it come?—*A.* Hoolas Roi. *Q.* Who was he?—*A.* An agent of the resident at Fyzabad, employed for the purpose of transmitting information to the resident. *Q.* Was that paper transmitted to Mr. Hastings?—*A.* To the best of my recollection it was transmitted to the board, after I had attested it. *Q.* Do you remember at what distance of time after the receipt of the intelligence respecting the distresses of the Khourd Mahl, that paper was transmitted to Calcutta?—*A.* I cannot say. *Q.* Do you believe it was transmitted within ten months after the time it was received?—*A.* I understood it to be a letter received just before it was transmitted. *Q.* Then you understand it was transmitted as soon as received?—*A.* Yes, in the course of three days. *Q.* Can you bring to your mind the time at which the translation was made?—*A.* To the best of my recollection it was in January, 1784. *Q.* Whether the distresses that had been complained of had ceased for above a twelvemonth before the distresses of the Khourd Mahl?—*A.* I understood they were new distresses. *Q.* Then you state that that account, transmitted in 1784, was, as you understand, an account of new distresses?—*A.* Yes."

I shall now refer your lordships to page 899 of your printed minutes:—[The managers for the Commons acquainted the House, that they would next read the paper of intelligence which had been authenticated by Mr. Holt, in his evidence at the bar, relative to the miserable situation of these women, which they meant to bring home to Mr. Hastings:]——An extract of a consultation of the 17th February, 1784.—At a council; present, the Honorable Warren Hastings, Esq., governor-general, President; Edward Wheler and John Stables, Esqrs., Mr. Macpherson absent from the presidency for the benefit of his health: The following letter and its enclosures were received from Mr. Bristow on the 8th instant, and circulated,—"Honorable Sir, and Gentlemen,—I have the honor to forward for your further information, the enclosure, No. 3; it contains a relation of the hardships endured by the ladies of the late Vizier Zenana."—Signed, John Bristow.

Translation of a Paper of intelligence from Fyzabad.

"The ladies, their attendants, and servants were still as clamorous as last night; Lataffit, the daroga, went to them, and remonstrated with them on the impropriety of their conduct, at the same time assuring them, that in a few days all their allowances would be paid, and should that not be the case he would advance them ten days' subsistence, upon condition that they returned to their habitations; none of them however consented to his proposal, but were still intent upon making their escape through the bazar, and in consequence formed themselves in the following order:—The children in the front, behind them the ladies of the seraglio, and behind them again their attendants; but their intentions were frustrated, by the opposition which they met with from Lataffit's sepoys. The next day Lataffit went twice to the women, and used his endeavors to make them return into the zenana, promising to advance them 10,000 rupees, which, upon the money being paid down, they agreed to comply with; but night coming on, nothing transpired.

"On the day following, their clamors were more violent than usual; Lataffit went to confer with them on the business of yesterday, offering the same terms; depending upon the fidelity of his promises, they consented to return to their apartments, which they accordingly did, except two or three of the ladies, and most of their attendants; Lataffit went then to Hoshmund Ali Khân, to consult with him about what means they should take; they came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys accordingly assembled, and each one being provided with a bludgeon, they drove them, by dint of beating, into the zenana. The women, seeing the treachery of Lataffit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but finding that impossible from the gates being shut, they kept up a continual discharge till about twelve o'clock, when finding their situation desperate, they returned into the Rung Mahl, and forced their way from thence into the palace, and dispersed themselves about the house and gardens. After this they were desirous of getting into the begum's apartments, but she, being apprized of their intentions, ordered the doors to be shut. In the mean time Lataffit and Hoshmund Ali Khân posted justices to secure the gates of the lesser Mahl. During the whole of this conflict, the ladies and women remained exposed to the view of the sepoys.

"The begum then sent for Lataffit and Hoshmund Ali Khân, whom she severely reprimanded, and insisted upon knowing the cause of this infamous behavior. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had only been conformable to his excellency the vizier's orders. The begum alleged, that even admitting that the nabob had given these orders, they were by no means authorized in this manner to disgrace the family of Sujah Dowlah; and should they not receive their allowances for a day or two, it could be of no great moment;

what had passed was now at an end; but that the vizier should certainly be acquainted with the whole of the affair, and that whatever he directed, she should implicitly comply with. The begum then sent for two of the children, who were wounded in the affray of last night, and after endeavoring to soothe them, she again sent to Lataffit and Hoshmund Ali Khân, and in the presence of the children again expressed her disapprobation of their conduct, and the improbability of Azoph ul Dowlah's suffering the ladies and children of Sujah Dowlah to be disgraced by being exposed to the view of the sepoys; upon which Lataffit produced the letter from the nabob, representing that he was amenable only to the order of his excellency, and that whatever he ordered it was his duty to obey; and that had the ladies thought proper to have retired quietly to their apartments, he would not have used the means he had taken to compel them. The begum again observed, that what had passed was now over. She then gave the children 400 rupees and dismissed them, and sent word by Sunrud and the other eunuchs, that if the ladies would peaceably retire to their apartments, Lataffit would supply them with 3,000 or 4,000 rupees for their present expenses, and recommended them not to incur any further disgrace; and that if they did not think proper to act agreeably to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back to the zenana. The next morning the begum waited upon the mother of Sujah Dowlah, and related to her all the circumstances of the disturbance. The mother of Sujah Dowlah returned for answer, that after there being no accounts kept by crores of revenue, she was not surprised that the family of Sujah Dowlah, in their endeavors to procure subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes and shedding many tears, the begum took her leave and returned home."

As a proof of the extremity of the distress which reigned in the Khourd Mahl, your lordships have been told, that these women must have perished through famine, if their gaolers, Captain Jaques and Major Gilpin, had not raised money upon their own credit, and supplied them with an occasional relief. And therefore when they talk of his peculation, of his taking but a bribe here and a bribe there, see the consequences of his system of peculation, see the consequences of a usurpation which extinguishes the natural authority of the country, see the consequences of a clandestine correspondence that does not let the injuries of the country come regularly before the authorities in Oude, to relieve it; consider the whole mass of crimes, and then consider the sufferings that have arisen in consequence of it.

My lords, it was not corporal pain alone that these miserable women suffered. The unsatisfied cravings of hunger, and the blows of the sepoys' bludgeons, could touch only the physical part of their nature. But, my lords, men are made of two parts; the physical part and the moral. The former he has in common with the brute creation. Like theirs, our corporal pains are very limited and temporary. But the sufferings which touch our moral nature, have a wider range, and are infinitely more acute, driving the sufferer sometimes to the extremities of despair and distraction. Man, in his moral nature, becomes, in his progress through life, a creature of prejudice—a creature of opinions—a creature of habits, and of sentiments growing out of them. These form our second nature, as inhabitants of the country and members of the society in which Providence has placed us. This sensibility of our moral nature is far more acute in that sex, which I may say, without any compliment, forms the better and more virtuous part of mankind; and which is at the same time the least protected from the insults and outrages to which this sensibility exposes them. This is a new source of feelings that often make corporal distress doubly felt; and it has a whole class of distresses of its own. These are the things that have gone to the heart of the Commons.

We have stated first, the sufferings of the begum, and secondly, the sufferings of the two thousand women, I believe they are not fewer in number, that belong to them, and are dependent upon them, and dependent upon their well-being. We have stated to you, that the court of directors were shocked and astonished when they received the account of the first, before they had heard the second. We have proved they desired him to redress the former, if, upon inquiry, he found that his original suspicions concerning their conduct were ill founded. He has declared here that he did not consider these as orders. Whether they were orders or not, could any thing have been more pressing upon all the duties and all the sentiments of men, than at least to do what was just, that is, to make such an inquiry as in the result might justify his acts, or have entitled them to redress? Not one trace of inquiry or redress do we find, except we suppose, as we hear nothing after this of the famine, that Mr. Bristow, who seems to be a man of humanity, did so effectually interpose, that they should no longer depend for the safety of their honor on the bludgeons of the sepoys, by which alone it seems they were defended from the profane view of the vulgar, and which we must state as a matter of great aggravation in this case.

The counsel on the other side say that all this intelligence comes in an anonymous paper without date, transmitted from a newspaper writer at Fyzabad. This is the contempt with which they treat this serious paper sent to Mr. Hastings himself by official authority; by Hoolas Roi, who was the news-writer at Fyzabad; the person appointed to convey authentic intelligence concerning the state of it to the resident at Lucknow. The resident received it as such; he transmitted it to Mr. Hastings, and it was not till this hour, till the counsel were instructed (God forgive them for obeying such instructions) to treat these things with ridicule, that we have heard this Hoolas Roi called a common news-writer of anonymous information, and the like. If the information had come in

any way the least authentic, instead of coming in a manner the most authentic in which it was possible to come to Mr. Hastings—he was bound by every feeling of humanity, every principle of regard to his own honor and his employer's, to see whether it was true or false; if false to refute it; if true to afford redress: he has done neither. Therefore we charge him with being the cause; we charge upon him the consequences, with all the aggravations attending them; and we call both upon justice and humanity for redress, as far as it can be afforded to these people, and for the severest punishments which your lordships can inflict upon the author of these evils. If instead of the mass of crimes that we have brought before you, this singly had been charged upon the prisoner, I will say that it is a greater crime than any man has ever been impeached for before the House of Lords, from the first records of parliament to this hour.

I need not remind your lordships of one particular circumstance in this cruel outrage. No excuse or pretence whatever is brought forward in its justification. With respect to the begums, they have been charged with rebellion; but who has accused the miserable inhabitants of the Khourd Mahl of rebellion or rebellious designs? What hearsay is there even against them of it?—No; even the persons permitted by Mr. Hastings to rob and destroy the country, and who are stated by him to have been so employed; not one of that legion of locusts, which he had sent into the country to eat up and devour the bread of its inhabitants; and who had been the cause, both of the famine itself, and of the inability of the begums to struggle with it; none of these people, I say, ventured even a hearsay about these women.

Were the sufferers few? There were eight hundred of them, besides children. Were they persons of any rank and consequence? We are told that they were persons of considerable rank and distinction, connected with, and living under the protection of women of the first rank in Asia. Were they persons not deserving pity? We know that they

were innocent women and children, not accused, and unsuspected of any crime. He has taken into his head to speak contemptuously of these women of the Khourd Mahl: but your lordships will consider both descriptions generally with some respect; and where they are not objects of the highest respect, they will be objects of your compassion. Your lordships, by your avenging justice, will rescue the name of the British government from the foulest disgrace which this man has brought upon it.

An account of these transactions, as we have proved by Mr. Holt's evidence, was regularly transmitted and made known to him. But why do I say made known to him?—Do not your lordships know that Oude was his, that he treated it like his private estate, that he managed it in all its concerns as if it were his private demesne; that the nabob dared not do a single act without him; that he had a resident there nominated by himself, and forced upon the nabob, in defiance of the company's orders? Yet, notwithstanding all this, we do not find a trace of any thing done to relieve the aggravated distresses of these unfortunate people.

These are some of the consequences of that abominable system, which, in defiance of the laws of his country, Mr. Hastings established in Oude; he knew every thing there; he had spies upon his regular agents, and spies again upon them. We can prove, (indeed he has himself proved,) that besides his correspondence with his avowed agents, Major Palmer and Major Davy, he had secret correspondence with a whole host of agents and pensioners, who did and must have informed him of every circumstance of these affairs. But if he had never been informed of it at all, the Commons contend, and very well and justly contend, that he, who usurps the government of a country, who extinguishes the authority of its native sovereign, and places in it instruments of his own, and that in defiance of those whose orders he was bound to obey, is responsible for every thing that was done in the country. We do charge him with these acts of delinquencies

and omissions, we declare him responsible for them; and we call for your lordships' judgment upon these outrages against humanity, as cruel perhaps as ever were suffered in any country.

My lords, if there is a spark of manhood, if there is in your breasts the least feeling for our common humanity, and especially for the sufferings and distresses of that part of human nature, which is made by its peculiar constitution more quick and sensible;—if, I say, there is a trace of this in your breasts, if you are yet alive to such feelings, it is impossible that you should not join with the Commons of Great Britain, in feeling the utmost degree of indignation against the man who was the guilty cause of this accumulated distress. You see women, whom we have proved to be of respectable rank and condition, exposed to what is held to be the last of indignities in that country, the view of a base, insulting, ridiculing, or perhaps vainly pitying populace. You have before you the first women in Asia, who consider their honor as joined with that of these people, weeping and bewailing the calamities of their house. You have seen, that in this misery and distress the sons of the nabob were involved, and that two of them were wounded in an attempt to escape; and yet this man has had the impudence to declare his doubts of the nabob's having had any children in the place; though the account of what was going on had been regularly transmitted to him. After this, what is there in his conduct that we can wonder at?

My lords, the maintenance of these women had been guarantied by the company, but it was doubly guarantied under the great seal of humanity. The conscience of every man, and more especially of the great and powerful, is the keeper of that great seal, and knows what is due to its authority. For the violation of both these guaranties, without even the vain and frivolous pretence of a rebellion, and for all its consequences, Mr. Hastings is answerable; and he will not escape your justice by those miserable excuses,

which he has produced to the court of directors, and which he has produced here in his justification. My lords, that justification we leave with your lordships.

We now proceed to another part of our charge, which Mr. Hastings has not thought proper to deny, but upon which we shall beg leave to make a few observations. You will first hear read to you, from the 17th article of our charge, the subject-matter to which we now wish to call your attention.

"That in or about the month of March, 1783, three of the said brothers of the nabob, namely, Myrza Hyder Ally, Myrza Imay ul Ally, and Myrza Syof Ally, did represent to the said Bristow, that they were in distress for dry bread and clothes; and, in consequence of such representation, were relieved by the intervention of the said Bristow; but soon after the deputation of the said Warren Hastings to Oude, in the year 1784; that is to say, sometime in or about the month of September, in the said year 1784, the said Myrza Hyder Ally, one of the three princes aforesaid, did fly to the province of Benares, and did remain there in great distress; and that although the said Warren Hastings did write to the said nabob an account of the aforesaid circumstances, in certain loose, light, and disrespectful expressions concerning the said Myrza Hyder Ally, he did not, as he was in duty bound to do, in anywise exert that influence which he actually and notoriously possessed over the mind of the said nabob, for the relief of the said prince, the brother of the said nabob; but without obtaining any satisfactory and specific assurances, either from the said nabob, or the said minister, the said Warren Hastings did content himself with advising the said prince to return to his brother, the said nabob."

The answer of Mr. Hastings to that part of the seventeenth article, states:—"And the said Warren Hastings says,

that in or about the month of July, in the year 1783, a paper was received, enclosed in a letter to the governor-general and council from Mr. Bristow, purporting to be a translation of a letter from three brothers of the said vizier, in which they did represent themselves to be in distress for dry bread and clothes; but whether such distress actually existed, and was relieved by the said Bristow, the said Warren Hastings cannot set forth."

"And the said Warren Hastings further says, that some time in the month of September, 1784, the said Warren Hastings being then at Benares, did receive information that Myrza Hyder Ally was arrived there, and the said Warren Hastings, not knowing before that time that there was any such person, did write to the nabob vizier, to the purport or effect following:—'A few days ago I learned that a person called Myrza Hyder Ally was arrived at Benares, and called himself a son of the deceased nabob Sujah ul Dowlah, and I was also told that he came from Fyzabad; as I did not know whether he left Fyzabad, with or without your consent, I therefore did not pay him much attention, and I now trouble you to give me every information on the subject, how he came here, and what your intentions are about him; he remains here in great distress, and I therefore wish to know your sentiments.'"

"And the said Warren Hastings further says, that having received an answer from the said vizier, he did, on or about the 13th of October, 1784, enclose the same in a letter to the said Myrza, of which letter the following is a copy:—'An answer is arrived to what I wrote on your account to the nabob vizier, which I enclose to you; having read it, you will send it back. I conceive you had better go to the nabob vizier's presence, who will certainly afford you protection and assistance. I will write what is proper to carry you to the nabob, and it will in every respect be for your good; whatever may be your intention on this head, you will write to me.'"

"And the said Warren Hastings submits, that it was no part of his duty as governor-general, to interfere with the said vizier on behalf of the said Myrza; or to obtain from the said vizier any specific assurances on the subject."

Continuation of the seventeenth article of the charge:—"That in order to avoid famine at home, another of the nabob's brothers, by name Myrza Jungli, was under the necessity of flying from his native country, and did seek protection from a certain Mahomedan lord, called Myrza Shuffu Khân, then prime minister of the Mogul, from whom he did go to the camp of the Mahratta chief Mhadajee Scindia, where he did solicit and obtain a military command, together with a grant of lands or jaghire, for the subsistence of himself, his family, and followers; but wishing again to be received under the protection of the British government, the said Myrza Jungli, in 1783, did apply to the said resident Bristow, through David Anderson, Esq., then on an embassy in the camp of the said Scindia; and, in consequence of such application, the said Bristow, sensible of the disgrace which the exile of the said Myrza Jungli reflected, both on the said nabob of Oude and the British nation, did negotiate with the nabob and his ministers for the return of the said Myrza Jungli, and for the settlement and regular payment of some proper allowance for the maintenance of the said Myrza Jungli; but the allowance required was ultimately refused; and, although the whole of the transactions aforesaid were duly represented to the said Warren Hastings, by the said Anderson, and by the said Bristow; and although he had himself received, so early as the 23d of August, 1782, a letter from the vizier, grievously complaining of the cruel and extortious demands made upon him by the said Warren Hastings; in which letter he did expressly mention the flight of his brother, and the distresses of the women of his late father, who he said were all his mothers; and that his said brothers, from the resumption of their jaghires, were reduced to great affliction and distress; and he did attribute the said

flight of some of his brethren, and the distresses of the rest, and of the women who stood in a species of maternal relation to him, as owing to the aforesaid oppressive demands; yet the said Warren Hastings did cruelly, inhumanly, and corruptly decline to make any order for the better provision of any of the said eminent family, or for the return of the said prince, who had fled from his brother's court, to avoid the danger of perishing by famine."

Answer of Mr. Hastings to that part of the charge:—"And the said Warren Hastings further says, that he was informed, that Myrza Jungli, in the said article also mentioned did leave his native country in distress, and did go to Myrza Shuffu Khân, in the said article also mentioned; and the said Warren Hastings likewise admits he was informed, that the said Myrza Jungli did afterwards leave the said Myrza Shuffu Khân, and repair to the camp of Mhadajee Scindia, with a view of obtaining some establishment for himself and followers."

"And the said Warren Hastings further says, that in certain letters, written by David Anderson, Esq. and John Bristow, Esq., it was represented that the said Myrza Jungli did apply to the said Bristow, through the said Anderson, then on an embassy in the camp of the said Scindia, and that in consequence thereof, the said Bristow did, amongst other things, apply to the nabob vizier for a certain allowance to be made to the said Myrza and for the regular payment thereof, and that a certain allowance was accordingly settled by the said vizier on the said Myrza; and the said Warren Hastings says, that information of the above transactions was transmitted to the board of council; and that a letter from the said vizier was received on the 23d of August, 1782, containing certain representations of the distresses of himself and family; and he admits that no order was made by him, the said Warren Hastings, for the provision of any of the said family, or for the return of the said Myrza; but the

said Warren Hastings denies that he was guilty of any cruelty, inhumanity, or corruption, or of any misconduct whatsoever in the matters aforesaid."

Continuation of the charge:—"That some time, in or about the month of December, 1783, the nabob Behadre, another of the brothers of the said nabob of Oude, did represent to the said Bristow, that he, the said nabob Behadre, had not received a farthing of his allowance for the current year, and was without food; and being wounded by an assassin, who had also murdered his aunt in the very capital of Oude, the said nabob Behadre had not a daum to pay the surgeon, who attended him for the love of God alone; that at or about the period of the above representation, the said Bristow was recalled, and the said Warren Hastings proceeded up to Lucknow, but did not inquire into the said representations transmitted by the said Bristow to Calcutta, nor did order relief."

Mr. Hastings's answer to the part of the charge last read:—"And the said Warren Hastings further says, that on the 29th January, 1784, after the recall of the said Bristow, he, the said Bristow, did transmit to the governor-general and council two letters, one dated the 28th of December, 1783, the other the 7th January, 1784, purporting to be written by the said nabob Behadre, addressed to him, the said Bristow, to the effect in the said article stated; and the said Warren Hastings admits, that when at Lucknow he did not institute an inquiry into the supposed transaction in the said seventeenth article stated, or make any order concerning the said Behadre, and he denies that it was his duty so to do." Here is the name of this nabob from a list of the jaghirdars, stated by Mr. Purling, page 485 printed minutes. Amongst the names of jaghirdars, the times when granted, and the amount of the jaghires, there occurs that of the nabob Behadre, with the grant of a jaghire, of the amount of 20,000 rupees.

[The *Lord Chancellor* here remarked, that what had been just read was matter of the seventeenth article of the charge and parts of the answer to it; and that upon looking back to the former proceedings, it has escaped his attention if any matter contained in the seventeenth article had been made matter of the charge. That it therefore seemed to him that it could not be brought in upon a reply, not having been made matter of the charge originally.]

Mr. Burke. My lords, I have to say to this, that I believe you have heard these facts made matter of charge by the House of Commons, that I conceive they have been admitted by the prisoner: and that the Commons have nothing to do with the proofs of any thing in their charge, which is fully and in terms admitted. The proofs, which they have produced to your lordships, were upon matters which were contested; but here the facts are admitted in the fullest manner; we neither have abandoned them, intended to abandon them, nor ever shall abandon them; we have made them, as a charge, upon record. The answers to them have been recorded, which answers are complete admissions of every fact in the charge.

[*Lord Chancellor.* I do not make myself understood. The objection is not that there has not been evidence given upon the seventeenth article, but at the close of the case on the part of the managers for the House of Commons, no mention having been made of the matter contained in the seventeenth article; that therefore, although it may all have been admitted by the answer to be true, yet in justice, if from that answer you ground the charge, it is necessary the defendant should be heard upon it.]

Mr. Burke. If your lordships choose that the defendant shall be heard upon it, we have no kind of objection, nor ever had, or proposed an objection to the defendant being heard upon it. Your lordships know that the defendant's counsel value themselves upon having abandoned their defence against certain parts of the charge; your lordships

know that they declared that they broke off thus in the middle of their defence, in order to expedite this business.

[*Lord Chancellor.* Referring to the proceedings, I think it a matter perfectly clear, that in the course of the charge, after certain articles had been gone through, the managers for the Commons closed the case there, leaving therefore all the other articles, excepting those that had been discussed, as matters standing with the answers against them, but not insisted upon in making out the charge. Of course, therefore, if the defendant had gone into any of those articles, the defendant must have been stopped upon them, because he would then have been making a case in defence to that which had not been made a case in the prosecution; the objection therefore is not at all that no evidence has been examined. To be sure it would be an answer to that to say, you are now proceeding upon an admission; but even upon those facts that are admitted, (if the facts are admitted that are insisted upon as matter in charge,) that should come in the original state of the cause, and the defendant in common justice must be heard upon that, and then, and then only, come the observations in reply.]

Mr. Burke. We do not know, nor are informed, that any charge, information, or indictment, that is before the court, and upon record, and is not denied by the defendant, does not stand in full force against him. We conceive it to be so; we conceive it to be agreeable to the analogy of all proceedings; and the reason why we did not go into and insist upon it was, that having a very long cause before us, and having the most full and complete admission upon this subject, we did not proceed further in it. The defendant defends himself by averring that *it was not his duty.* It was not our business to prove that it was his duty. It was he that admitted the facts assumed, to be the foundation of his duty; the negative he was bound to prove, and he never offered to prove it.

All that I can say upon this point is, that his delinquency

in the matter in question appeared to us to be a clear distinct case; to be a great offence; an offence charged upon the record, admitted upon the record, and never by us abandoned. As to his defence having been abandoned, we refer your lordships to the last petition laid by him upon your table; (that libellous petition, which we speak of as a libel upon the House of Commons,) and which has no validity but as it asserts a matter of fact from the petitioner. And there you will find, that he has declared explicitly, that for the accommodation and ease of this business, and for its expedition, he did abandon his defence at a certain period.

[*Lord Chancellor.* A charge consisting of a variety of articles in their nature, (however connected with each other in their subject, but in their nature distinct and specific,) if only certain articles are pressed in the charge, to those articles only can a defence be applied; and all the other articles, that are not made matter of charge *originally*, have never, in the course of any proceeding whatever, been taken up *originally* in reply.]

Mr. Burke. With great respect to your lordship's judgment, we conceive that the objection taken from our not having, at a certain period, argued or observed upon the prisoner's answer to the articles not insisted upon, is not conclusive; inasmuch as the record still stands, and as our charge still stands. It was never abandoned; and the defendant might have made a justification to it if he had thought fit; he never did think fit so to do. If your lordships think that we ought not to argue upon it here in our reply, because we did not argue upon it before,—well and good; but we have argued, and do argue in our reply, many things to which he never gave any answer at all. I shall beg leave, if your lordships please, to retire with my fellow managers for a moment, to consult whether we shall press this point, or not. We shall not detain your lordships many minutes.

The Managers withdrew:—in a few minutes the Managers returned again into the Hall.

Mr. Burke. My lords, the managers have consulted among themselves upon this business; they first referred to your printed proceedings, in order to see the particular circumstance on which the observation of your lordship is founded;—we find it thus stated:—"Then the managers for the Commons informed the lords, that saving to themselves their undoubted rights and privileges, the Commons were content to rest their charge here."—We rested our charge there, not because we meant to efface any precedent matter of the charge, which had been made by us, and of which the facts had been admitted by the defendant, but simply saving our rights and privileges; that is, to resume, (and to make new matter if we thought fit,) the Commons were content to rest the charge there.

I have further to remark to your lordships, that the counsel for the defendant have opened a vast variety of matter that is not upon record, either on our part or on theirs, in order to illustrate and to support their cause; and they have spoken day after day upon the principles on which their defence was made; my great object now is an examination of those principles, and to illustrate the effects of these principles by examples, which are not the less cogent, the less weighty, and the less known, because they are articles in this charge. Most assuredly they are not. If your lordships recollect the speeches that were made here, you know that great merit was given to Mr. Hastings for matters that were not at all in the charge, and which would put us under the greatest difficulties, if we were to take no notice of them in our reply. For instance, his merits in the Mahratta war, and a great mass of matter upon that subject, were obliquely, and for other purposes, brought before you, upon which they argued. That immense mass of matter, containing an immense mass of principles, and which was sometimes supported by alleged

facts, sometimes by none, they have opened and argued upon, as matter relative to principle. In answer to their argument, we propose to show the mischiefs that have happened from the mischievous principles laid down by Mr. Hastings, and the mischievous consequences of them.

If, however, after this explanation, your lordships are of opinion, that we ought not to be allowed to take this course, wishing to fall in with your lordships' sentiments, we shall abandon it. But we will remind your lordships, that such things stand upon your records; that they stand unanswered, and admitted on your records; and consequently they cannot be destroyed by any act of ours, but by a renunciation of the charge, which renunciation we cannot make, because the defendant has clearly and fully admitted it to be founded in fact. We cannot plead error; we cannot retract it. And why? Because he has admitted it. We therefore only remind your lordships, that the charge stands uncontradicted; and that the observation we intended to make upon it, was to show your lordships, that the principles upon which he defends all such conduct are totally false and groundless. But though your lordships should be of opinion that we cannot press it, yet we cannot abandon it; it is not in your power—it is not in our power—it is not in his power, to abandon that charge. You cannot acquit him of that charge; it is impossible. If, however, your lordships, for the accommodation of business, method of proceedings, or any circumstance of that kind, wish we should say no more upon the subject, we close the subject there. Your lordships are in possession, both of the charge and the admission; and we wish, and we cannot wish better than to leave it as it is upon the record.

The *Lord Chancellor* here said, The opinion of the lords can only be with me matter of conjecture. I certainly was not commanded by the House to state the observation that had occurred to me—but in the position in which it now stands, I feel no difficulty in saying, as my own judgment,

that nothing can be matter in reply, that does not relate to those articles that were pressed in the original charge; and therefore, in this position of the business of reply, you cannot go into new matter arising out of other articles that were not originally insisted upon.

Mr. Burke. We were aware of the objection that might be made to admitting our observations, if considered as observations upon the seventeenth article, but not when considered with reference to facts on the record before you, for the purpose of disproving the principles upon which the defendant and his counsel had relied, that was the purpose for which we proposed chiefly to make them; but your lordship's [the Lord Chancellor's] own personal authority will have great weight with us, and unless we perceive some other peer differ from you, we will take it in the course we have constantly done; we never have sent your lordships out of the hall to consent upon a matter upon which that noble lord appeared to have formed a decision in his own mind; we take for granted that what is delivered from the woolsack, to which no peer expresses a dissent, is the sense of the House, as such we take it, and as such we submit to it in this instance.

Therefore leaving this upon the record as it stands, without observing upon it, and submitting to your lordships' decision, that we cannot, according to order, observe in reply upon what was not declared by us to be a part of the charges we meant to insist upon; we proceed to another business.

We have already stated to your lordships, and we beg to remind you of it—the state and condition of the country of Oude, when Mr. Hastings first came to it; his subsequent and immediate usurpation of all the powers of government, and the use he made of them; the tyranny he exercised over the nabob himself, the tyranny he exercised upon his mother and grandmother, and all the other females of his family and their dependants of every description, to the number of about eight hundred persons; the tyranny exercised (though we

are not at liberty to press it now) upon his brethren. We have shown you how he confiscated the property of all the jaghirdars, the nobility of the country; we have proved to your lordships, that he was well acquainted with all the misery and distress occasioned by these proceedings, and that he afforded the sufferers no relief. We now proceed to review the effect of this general mass of usurpation, tyranny, and oppression, upon the revenues and the prosperity of the country.

Your lordships will first be pleased to advert to the state in which Mr. Hastings found the country;—in what state he found its revenues;—who were the executive ministers of the government; what their conduct was, and by whom they were recommended and supported. For the evidence of these facts, we refer your lordships to your printed minutes—there, my lords, they stand recorded; they never can be expunged out of your record, and the memory of mankind; whether we be permitted to press them at this time upon your lordships, or not. Your lordships will there find, in what manner the government was carried on in Oude, in 1775, before the period of Mr. Hastings's usurpation; Mr. Hastings you will find has himself there stated, that the minister was recommended by the begums; and you will remark this, because Mr. Hastings afterwards makes her interference in the government of her son, a part of his crimination of the begums.

The resident at the court of Oude thus writes on the 2d of March, 1775:—"Notwithstanding the confidence the nabob reposes in Murteza Khân, the begums are much dissatisfied with his elevation.—They recommended to his excellency to encourage the old servants of the government, whose influence in the country, and experience, might have strengthened his own authority, and seated him firmly on the Musnud; in some measure this too may appear consistent with the interest of the company, for as Elija Khân and the old

'ministers have, by frequent instances within their own knowledge, experienced the power of our government, such men I should conceive are much more likely to pay deference to the company, than a person who at present can have but a very imperfect idea of the degree of attention, which ought to be paid to our connection with the nabob." Your lordships see that the begums recommended the old servants, contrary to the maxims of Rehoboam,—those who had served his father and had served the country; and who were strongly inclined to support the English interest there. Your lordships will remark the effects of the begum's influence upon the state of things in 1775, that the nabob had been advised by his mother to employ the confidential servants of his father; persons conversant in the affairs of the country, persons interested in it, and persons who were well disposed to support the English connection. Your lordships will now attend to a letter from Mr. Bristow, at Lucknow, to the board, dated 28th November, 1775:—"I also neglected no part of my duty on the spot; but advised the minister, even at Lucknow, according to my letter of the third instant, to recommend it to the nabob, to dismiss his useless and mutinous troops, which measure seems, by present appearances, to have succeeded beyond expectation; as the rest of the army do now pay the greatest attention to his excellency's orders; already the complaints of the violences the troops used to commit are greatly decreased; they profess obedience, and by the best intelligence I can obtain of their disposition, there seems to be little doubt, that the examples made by disbanding Bussunt's corps has every good effect we could wish, which had crossed the river and voluntarily surrendered their arms the day before yesterday to the nabob."

His next letter is dated 13th June, 1776:—"Honorable Sir and Sirs,—It is Elija Khân's first object to regulate the vizier's revenue; and I must do him the justice to say, that the short time he has been in office he has been indefatigable, and already settled the greater part of the province of

Oude, and fixed on the districts for the assignments of the army subsidy. Corah and Allahabad he has disposed of, and called for the Dooab and Rohilehund accounts, in order to adjust them as soon as possible. This activity will, I hope, produce the most salutary effects at the present juncture, being the commencement of the season for the cultivation. The aumils, by being thus early placed in their offices, have the opportunity of advancing tuckovy, encouraging the ryots, and making their agreements in their several districts, in letting under farms, or disposing of the lands in such a manner as they may judge most expedient. If, though similar to the late minister's conduct, a delay of two or three months should occur in the settlement of the lands, the people throughout the country would be disheartened, and inevitably a very heavy balance accrue on the revenue. I have troubled the honorable board with this detail, in the first place, to show the propriety of Elija Khân's conduct; and in the next, the essential service that will be rendered to the vizier, by continuing Colonel Parker's detachment during the whole rains in Corah, if required by the vizier."

My lords, you have now had a view of the state of Oude, previous to the first period of our connection with it. Your lordships have seen, and understand that part of the middle period, with which we do not mean to trouble you again. You will now be pleased to attend to a letter from Fyzoola Khân, to the governor-general, received the 13th of February, 1778. "This country of Cuttah, which formerly depended on the Rohilla states, and which I consider as now appertaining to the company, was very populous and flourishing, but since the commencement of the nabob vizier's government, the farmers appointed by his ministers have desolated the country. Its situation is at present very ruinous; thousands of villages, formerly populous, are now utterly deserted, and no trace left of them. I have already written to Roy Buckstowr Sing a full account of the tyran-

ny and oppression exercised by the farmers, to be communicated to you; the constant revenue of a country depends on the care of its rulers, to preserve it in a flourishing state. I have been induced to make the representation by my attachment to the interest of the company, for otherwise it is no concern of mine. Should these oppressions continue one or two years longer, and the rulers take no measures to put a stop to them, the whole country will be a desert."

My lords, upon these statements I have only to make this remark, that you have seen the first state of this country; and that the period, when it had fallen into the state last described, was about two years after Mr. Hastings had obtained the majority in the council, and began to govern this country by his lieutenants. We know that the country was put by him under military collectors; you see the consequences. The person who makes this representation to Mr. Hastings of the state of the country, of its distress and calamity, and of the desolation of a thousand of the villages formerly flourishing in it, is no less a person than a prince of a neighboring country, a person of whom you have often heard, and to whom the cause of humanity is much indebted, namely, Fyzoola Khân; a prince, whose country the English resident, travelling through, declares to be cultivated like a garden. That this was the state of the Rohilla country, is owing to its having very fortunately been one of those that escaped the dominion of Mr. Hastings.

We will now read to your lordships a letter from Sir Eyre Coote to the board at Calcutta, dated the 11th of September, 1779:—"Honorable Sir and Sirs,—The day before yesterday I encamped near Allahabad, where the vizier did me the honor of a visit; and yesterday morning, in my way hither, I returned it, and was received by his excellency with every mark of respect and distinction. This morning he called here, and we had some general conversation, which princi-

pally turned upon the subject of his attachment to the English, and his readiness to show the sincerity of it, upon all occasions. It is to be wished we had employed the influence which such favorable sentiments must have given us more to the benefit of the country and ourselves; but I fear the distresses which evidently appear on the face of the one, and the failure of the revenues to the other, are not to be wholly ascribed to the vizier's mismanagement."—This is the testimony of Mr. Hastings's own pensioner, Sir Eyre Coote, respecting the known state of the country during the time of this horrible usurpation, which Sir Eyre Coote mentions under the soft name of our influence. But there could be but one voice upon the subject, and that your lordships shall now hear from Mr. Hastings himself. We refer your lordships to the minute of the governor-general's consultation, Fort William, 21st May, 1781.—He is here giving his reasons for going into the upper provinces.

"The province of Oude having fallen into a state of great disorder and confusion, its resources being in an extraordinary degree diminished, and the nabob, Azoph ul Dowlah, having earnestly intreated the presence of the governor-general, and declared, that, unless some effectual measures are taken for his relief, he must be under the necessity of leaving his country, and coming down to Calcutta, to present his situation to this government;—the governor-general therefore proposes, with the concurrence of Mr. Wheler, to visit the province of Oude, as speedily as the affairs of the presidency will admit, in hopes that from a minute and personal observation of the circumstances of that country, the system of management which has been adopted, and the characters and conduct of the persons employed, he may possibly be able to concert and establish some plan by which the province of Oude may in time be restored to its former state of affluence, good order, and prosperity."

Your lordships have now the whole chain of the evidence complete, with regard to the state of the country up to the period of Mr. Hastings's journey into the country. You see, that Mr. Hastings himself admits it to have been formerly in a most flourishing, orderly, and prosperous state. Its condition in 1781 he describes to you in words, than which no enemy of his can use stronger, in order to paint the state in which it then was. In this state he found it when he went up in the year 1781, and he left it, with regard to any substantial regulation that was executed or could be executed, in the state in which he found it; after having increased every one of those grievances which he pretended to redress, and taken from it all the little resources that remained in it.

We now come to a subsequent period, at which time the state of the country is thus described by Mr. Bristow on the 12th December, 1782:—"Despotism is the principle upon which every measure is founded, and the people in the interior parts of the country are ruled at the discretion of the aumil or fouzdar for the time being; they exercise, within the limits of their jurisdiction, the powers of life and death, and decisions in civil and other cases, in the same extent as the sovereign at the capital. The forms presented by the ancient institutions of the Mogul empire are unattended to, and the will of the provincial magistrate is the sole law of the people; the total relaxation of the vizier's authority, his inattention and dislike to business, leave the aumils in possession of this dangerous power, unawed and uncontrolled by any opposition of retrospection, or the interference of justice. I can hardly quote an instance, since the vizier's accession to the musnud, of an aumil having been punished for oppression, though the complaints of the people and the state of the country are notorious proofs of the violences daily committed; it is even become unsafe for travellers to pass, except in large bodies—murders, thefts, and other enormities, shocking to humanity, are committed in open day."

In a nother paragraph of the same letter, he says, "Such ıas been the system of this government, that the oppressions ıave generally originated with the aumils; they have been arely selected for their abilities or integrity, but from favor, ɔr the means to advance a large sum. Upon being appointed o their office, the aumil enters upon his trust, ruined in repuation and fortune, and unless he accomplishes his engagenents, which is seldom the case, disgrace and punishment ollow; and though the balance of revenue may be vigorousy demanded of him, it has not been usual to institute any nquiry for oppression. The zemindars thus left at the mercy f the aumils are often driven to rebellion—the weak are bliged to submit to his exactions or fly the country, and the umil, unable to reduce the more powerful, is compelled to nter into a disgraceful compromise; every zemindar looks o his fort for protection, and the country is crowded with hem; Almas Ali Khân has not less than seven hundred in is districts. Thus it has become a general custom to seize he brother, son, or some near relation or dependant of the ifferent zemindars, as hostages for the security of the revenue; a great aumil will sometimes have three or four hunred of these hostages, whom he is obliged to confine in laces of security—a few men like Almas Ali Khân and oja Din ul Dun have, from their regularity in performance f pecuniary engagements, rendered themselves useful to the izier. A strict scrutiny into his affairs was at all times irkme to his excellency, and none of his ministers or officers out his person possessing the active persevering spirit requite to conduct the detail of engagements for a number of nall farms, it became convenient to receive a large sum om a great farmer without trouble or deficiency. This sysm was followed by the most pernicious consequences; these en were above all control, they exacted their own terms, d the districts they farmed were most cruelly oppressed; e revenue of Rohilcund is reduced above a third, and Al-

mas Ali Khân's administration is well known to have been extremely violent."

We will next read to your lordships an extract from Captain Edwards's evidence :—" *Q.* Had you any opportunity of observing the general face of the country in the time of Sujah Dowlah ?—*A.* I had. *Q.* Did you remark any difference in the general state of the country at that time, and the period when you made your latter observation ; did you observe any difference between the condition of the country at that time and that of Sujah Dowlah in the year 1774, the latter period you have mentioned ?—*A.* I did ; a very material difference. *Q.* In what respect ?—*A.* In the general aspect that the country bore and the cultivation of the country, that it was infinitely better cultivated in 1774 than it was in 1783. *Q.* You said you had no opportunity of observing the face of the country till you was appointed aid-de-camp to the nabob ?—*A.* No ; except by marching and countermarching ; I marched in the year 1774 through the nabob Sujah ul Dowlah's provinces into Rohilcund. *Q.* Had you those opportunities from the time of your going there in 1774 ?—*A.* I had ; but not so much as I had after being appointed aid-de-camp to the vizier, because I was always before in a subordinate situation. I marched in a direct line before, with the troops ; but afterwards, when I was aid-de-camp to his excelleney, I was my own master, and made frequent excursions into the different parts of the country. *Q.* Had you an opportunity of observing the difference in the general happiness and disposition of the people ?—*A.* I had. *Q.* Did you observe a difference in that respect also, between your first coming and the year 1783 ? —*A.* Yes, a very sensible difference ; in Sujah ul Dowlah's time the country was in a very flourishing state, in merchandise, cultivation, and every article of commerce, and the people then seemed to be very happy under his government, which latterly was not the case, because the country in reali-

y appeared in the year 1774 in a flourishing state, and in he year 1783 it appeared comparatively forlorn and desolate. Q. Was the court of Azoph ul Dowlah, when you left India, qual in point of splendor to what it was in the time of Su-ıh ul Dowlah?—*A.* By no means; it was not equally plendid, but far inferior. *Q.* Were the dependants and offi-ers belonging to the court paid in the same punctual man-er?—*A.* No; I really cannnot say whether they were paid ıore regularly in Sujah Dowlah's time, only they appeared ıore wealthy, and more able to live in a splendid style, in his me than they ever have done since his death."

Here then your lordships see the state of the country in 783. Your lordships may trace the whole progress of these vils step by step from the death of Sujah ul Dowlah to the me of Mr. Hastings's obtaining a majority in the council; fter which he possessed the sole and uncontrolled manage-ıent of the country; you have seen also the consequences ıat immediately followed till the year 1784, when he went p a second time into the country.

I do not know, my lords, that it is necessary to make any bservation upon this state of things. You see that the na-ve authority was, as we have proved, utterly extinguished y Mr. Hastings—and that there was no superintendent power ut his. You have heard of the oppressions of the farmers f the revenues—and we have shown you, that these farm-rs generally were English officers. We have shown you in 'hat manner Colonel Hannay, one of these farmers sent by Ir. Hastings, acted, and particularly the accumulation of ostages which were made by him. We have shown you, ıat, by their arbitrary and tyrannical proceedings, all regu-ır government was subverted, and that the country experi-ıced the last and most dreadful effects of anarchy. We ave shown you, that no other security was left to any ıman being, but to entrench themselves in such forts as ıey could make, and that these forts, in one district only of

the country, had increased in number to the amount of seven hundred. Your lordships also know, that when the prisons and mud forts, in which Colonel Hannay kept his hostages confined, were full, he kept them in uncovered cages in the open air. You know, that all these farmers of revenue were either English and military men, or natives under an abject submission to them; you know, that they had the whole country in assignments; that the jaghires were all confiscated for their benefits; and you find that the whole system had its origin at the time, when Mr. Hastings alone formed in effect the authority of the supreme council. The weakness of the nabob, as Sir Eyre Coote tells you, could not have been alone the cause of these evils, and that our influence over him, if not actually the cause of the utter ruin, desolation, and anarchy of that country, might have been successfully exerted in preventing.

When your lordships shall proceed to judgment upon these accumulated wrongs, arising out of the usurped power of the prisoner at your bar, and redressed by him in no one instance whatever, let not the usurpation itself of the nabob's power be considered as a trivial matter. When any prince at the head of a great country is entirely stripped of every thing in his government, civil or military, by which his rank may be distinguished or his virtues exercised, he is in danger of becoming a mere animal, and of abandoning himself wholly to sensual gratifications. Feeling no personal interest in the institutions or in the general welfare of the country, he suffers the former (and many wise and laudable institutions existed in the provinces of the nabob, for their good order and government) to fall into disuse; and he leaves the country itself to persons in inferior situations, to be wasted and destroyed by them. You find that in Oude the very appearance of justice had been banished out of it, and that every aumil exercised an arbitrary power over the lives and fortunes of the people. My lords, we have the proofs of all these facts in our hands; they are in your lordships' minutes; and

though we can state nothing stronger than is stated in the papers themselves, yet we do not so far forget our duty as not to point out to your lordships such observations as arise out of them.

To close the whole, your lordships shall now hear read an extract from a most curious and extraordinary letter, sent by him to the court of directors, preparatory to his return to England.—"My only remaining fear is, that the members of the council, seeing affairs through a different medium from that through which I view them, may be disposed, if not to counteract the system which I have formed, to withhold from it their countenance and active support; while I myself remain, it will be sufficient if they permit it to operate without interruption, and I almost hope in the event of a new administration of your affairs, which shall confine itself to the same forbearance, and manifest no symptoms of intended interference, the objects of my arrangements will be effectually attained—for I leave them in the charge of agents whose interests, ambition, and every prospect of life, are interwoven with their success, and the hand of heaven has visibly blest the soil with every elementary source of progressive vegetation. But if a different policy shall be adopted, if new agents are sent into the country and armed with authority for the purpose of vengeance or corruption, to no other will they be applied. If new demands are raised on the nabob vizier, and accounts overcharged on one side with a wide latitude taken on the other to swell his debt beyond the means of payment; if political dangers are portended to ground on them the pleas of burthening his country with unnecessary defences and enormous subsidies; or if even abstaining from direct encroachment on the nabob's rights, your government shall show but a degree of personal kindness to the partizans of the late usurpation, or by any constructive indication of partiality and disaffection, furnish ground for the expectation of an approaching change of system, I am sorry to say that all my labors will prove abortive. For the

slightest causes will be sufficient to deject minds sore with the remembrance of past conflicts, and to elevate those whose only dependence is placed in the renewal of the confusion which I have labored with such zeal to eradicate, and will of course debilitate the authority which can alone insure future success. I almost fear that this denunciation of effects from causes so incompetent, as they will appear to those who have not had the experience, which I have had, of the quick sensibility which influences the habits of men placed in a state of polity so loose, and subject to the continual variations of capricious and despotic authority, will be deemed overcharged, or perhaps void of foundation: nor, if they should come to pass, will it be easy to trace them with any positive evidence to their connection; yet it is my duty to apprize you of what I apprehend, on grounds which I deem of absolute certainty, may come to pass; and I rely on your candor for a fair interpretation of my intention." Here, my lords, the prisoner at your bar has done exactly what his bitterest accuser would do—he goes through, head by head, every one of the measures which he had himself pursued in the destruction of the country; and he foretells that, if any one of those measures should again be pursued, or even if good cause should be given to suspect they would be renewed, the country must fall into a state of inevitable destruction. This supersedes all observation. This paper is a recapitulated, minute condemnation of every step which he took in that country, and which steps are every one of them upon your lordships' minutes.

But, my lords, we know very well the design of these pretended apprehensions; and why he wished to have that country left in the state he speaks of. He had left a secret agent of his own to control that ostensible government, and to enable him, sitting in the place where he now sits, to continue to govern those provinces in the way in which he now governs them. [A murmur having arisen here, Mr. Burke proceeded.] If I am called upon to reword what I

have just said, I shall repeat my words, and show strong grounds and reasons to indicate that he governs Oude now as much as he ever did.

You see, my lords, that the reform which he pretended to make in 1781, produced the calamities which he states to have existed in 1784. We shall now show, that the reform, which he pretended to make in 1784, brought on the calamities which Lord Cornwallis states in his evidence to have existed in 1787.

We will now read two letters from Lord Cornwallis; the first is dated the 16th November, 1787:—"I was received at Allahabad and attended to Lucknow by the nabob and his ministers, with every mark of friendship and respect; I cannot, however, express how much I was concerned during my short residence at his capital, and my progress through his dominions, to be witness of the disordered state of his finances and government, and of the desolate appearances of his country; the evils were too alarming to admit of palliation, and I thought it my duty to exhort him, in the most friendly manner, to endeavor to apply effectual remedies to them. He began with urging as apology that, whilst he was not certain of the expense of our demands upon him, he had no real interest in being economical in his expenses, and that while we interfered in the internal management of his affairs, his own authority and that of his ministers were despised by his own subjects. It would have been useless to discuss these topics with him; but while I repeated my former declarations of our being determined to give no ground in future for similar complaints, he gave me the strongest assurances of his being resolved to apply himself earnestly to the encouragement of argriculture, and to endeavor to revive the commerce of his country."

The second is dated the 25th April, 1788:—"Till I saw the vizier's troops, I was not without hope, that upon an emergency he would have been able to have furnished us with

some useful cavalry; but I have no reason to believe that he has any in his service upon which it would be prudent to place any dependence; and I think it right to add, that his country appears to be in so ruined a state, and his finances in so much disorder, that even in case of war we ought not to depend upon any material support from him."

My lords, I have only to remark upon these letters that, so far as they go, they prove the effects of Mr. Hastings's reformation, from which he was pleased to promise the company such great things. But when your lordships know that he had left his dependant and minister, Hyder Beg Khân, there, whose character, as your lordships will find by a reference to your minutes, he has represented as black as hell, to be the real governor there, and to carry on private correspondence with him here;—and that he had left Major Palmer, his private agent, for a considerable time in that country to carry on his affairs; your lordships will easily see how it has come to pass that the vizier, such a man as you have heard him described to be, was not alone able to restore prosperity to his country. My lords, you have now seen what was the situation of the country in Sujah Dowlah's time, prior to Mr. Hastings's interference with the government of it; what it was during his government; and what situation it was in when Lord Cornwallis left it. Nothing now remains, but to call your lordship's attention to perhaps the most extraordinary part of these transactions. But before we proceed we will beg leave to go back and read to your lordships the nabob's letters of the 24th February, 1780:—"I have received your letter, and understand the contents. I cannot describe the solidity of your friendship and brotherly affection which subsisted between you and my late father; from the friendship of the company he received numberless advantages; and I, notwithstanding I was left an orphan, from your favor and that of the company, was perfectly at ease, being satisfied that every thing would be well, and that I should continue

in the same security that I was during my father's life time, from your protection. I accordingly, from the day of his death, have never omitted to cultivate your favor, and the protection of the company; and whatever was the desire and directions of the council at that time, I have ever since conformed to, and obeyed with readiness. Thanks be given to God, that I have never as yet been backward in performing the will of the English company, of the council, and of you; and have always been, from my heart, ready to obey them, and have never given you any trouble, from my difficulties or wishes. Thus I have done simply from my knowledge of your favor towards me, and from my being certain that you would learn the particulars of my distresses and difficulties from other quarters, and would then show your friendship and good-will, in whatever was for my advantage. But when the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I then wrote an account of my difficulties; the answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you, and the council, that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to obey the orders and directions of the council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him, that when he shall have examined my receipts and expenses, he may take whatever remains. As I know it to be my duty to satisfy you, the company and council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expenses, there being no other fund but those for the expenses of mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants

of thirty years, whether sepoys, mutseddies, or household servants; and the expenses of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support. I had raised one thousand five hundred horse, and three battalions of sepoys to attend upon me; but as I have no resources to support them, I have been obliged to remove the people stationed in the mahals, and to send his people into the mahals, so that I have not now one single servant about me. Should I mention what further difficulties I have been reduced to, it would lay me open to contempt; although I have willingly assented to this which brings such distress on me, and have in a manner altogether ruined myself; yet I failed not to do it for this reason, because it was for your satisfaction, and that of the council; and I am patient, and even thankful in this condition; but I cannot imagine for what cause you have conceived displeasure against me, from the commencement of my administration. In every circumstance, I received strength and security from your favor, and that of the council; and in every instance you and the council have shown your friendship and affection for me; but at present, that you have sent these orders, I am greatly perplexed."

We will not trouble your lordships with the remainder of the letter, which is all in the same style of distress and affliction; and of the abject dependence of a man who considers himself as insulted, robbed, and ruined in that state of dependence.

In addition to the evidence contained in this letter, your lordships will be pleased to recollect the nabob's letter which we read to your lordships yesterday, the humble and abject style of which you will never forget. Oh! consider, my lords, this instance of the fate of human greatness! You must remember, that there is not a trace any where in any of the various trunks of Mr. Hastings, that he ever conde-

scended so much as to give an answer to he suppliant letters of that unhappy man. There was no mode of indignity with which he did not treat his family—there was no mode of indignity with which he did not treat his person—there was no mode of indignity with which he did not treat his minister, Hyder Beg Khân;—this man whom he represents to be the most infamous and scandalous of mankind; and of whom he nevertheless, at the same time, declares, that his only support with the vizier, was the support which he, Warren Hastings, as representative of the English government, gave him.

We will now read a paper which, perhaps, ought not to have been received in evidence; but which we were willing to enter in your minutes as evidence, in order that every thing should come before you. Your lordships have heard the nabob speak of his misery, distress, and oppression; but here he makes a complete defeasance, as it were, of the whole charge, a direct disavowal of every one of the complaints, and particularly that of having never received an answer to these complaints. Oh! think, I say, my lords, of the degraded, miserable, and unhappy state to which human nature may be reduced, when you hear this unhappy man declare, that all the charges which we have made upon this subject relative to him, and which are all either admitted by him, or taken from his own representation, are now stated by him in a paper before you to be all false, and that there is not a word of the representation which he had made of Mr. Hastings, that has the least truth in it. Your lordships will find this in that collection of various papers, which ought to be preserved and put into every museum in Europe, as one of the most extraordinary productions that was ever exhibited to the world.

Papers received the 8th of March, 1788, and translated pursuant to an order of the governor-general in council, dated the 27th of April, 1788, under the seal of his excellency the

nawaub Azoph ul Dowlah, Azoph Jeh Behodar, Vizier ul Momilek:—"I have at this time learnt that the gentlemen in power in England, upon the suspicion that Mr. Hastings, during his administration, acted contrary to the rules of justice and impartiality, and, actuated by motives of avidity, was inimical towards men without cause; that he broke such engagements and treaties as had been made between the company and other chefs; that he extended the hand of oppression over the proprties of men; tore up the roots of prosperity and security from the land, and rendered the ryots and subjects destitute, by force and extortion. As this accusation, in fact, is destitute of uprightness, and void of truth, therefore with a view to show the truth in its true colors, I have written upon this sheet with truth and sincerity, to serve as an evidence, and to represent real facts; to serve also as information and communication, that Mr. Hastings, from the commencement of his administration, until his departure for England, whether during the life time of the deceased nawaub, of blessed memory, Vizier ul Moulk, Sujah ul Dowlah Rehodar, my father, or during my government, did not at any time transact, contrary to justice, any matter which took place from the great friendship between me and the company, nor in any business depart from the path of truth and uprightness; but cultivated friendship, with integrity and sincerity, and in every respect engaged himself in the duties of friendship, with me, my ministers, and confidants. I am at all times, and in every way, pleased with and thankful for his friendly manners, and qualities; and my ministers and confidants, who have always every one of them been satisfied with his conduct, are for ever grateful for his friendship, and thankful for his virtues. As these matters are real facts, and according to truth, I have written these lines as an evidence, and transmit the paper to England through the government of Calcutta, for the information of the gentlemen of power and rank in England."

Observe, my lords, the candor of the Commons—we pro-
ce this evidence, which accuses us, as Mr. Hastings does,
uttering every thing that is false—we choose to bring our
ume before the world, and to admit that this man, on
iose behalf, and on the behalf of whose country we have
:used Mr. Hastings, has declared, that this accusation
umely this impeachment) is destitute of uprightness and
thout truth. But, my lords, this is not only a direct con-
diction to all he has ever said—to all that has been proved
you by us; but a direct contradiction to all the represen-
ions of Mr. Hastings himself. Your lordships will hence
: what credit is to be given to these papers.

Your lordships shall now hear what Hyder Beg Khân
ys; that Hyder Beg Khân who stands recorded in your
nutes as the worst of mankind; who is represented as
iting letters without the nabob's consent, and in defiance
him;—the man of whom Mr. Hastings says, that the na-
b is nothing but a tool in his hands, and that the nabob is,
d ever must be, a tool of somebody or other. Now as we
ve heard the tool speak, let us hear how the workman em-
oyed to work with this tool speaks:—

Extract from Hyder Beg Khân's letter to the govern-
and council.—"It is at this time learnt by the na-
aub vizier and us his ministers, that gentlemen of power
England are displeased with Mr. Hastings, on the suspi-
on that during his administration in this country, from mo-
es of avidity, he committed oppressions contrary to the
les of justice, took the properties of men by deceit and
ce, injured the ryots and subjects, and rendered the coun-
y destitute and ruined.—As the true and upright disposition
Mr. Hastings is in every respect free of this suspicion, we
erefore with truth and sincerity declare by these lines,
itten according to fact, that Mr. Hastings, from the first of
s appointment to the government of this country, until his
parture for Europe, during his authority in the management
the affairs of the country, whether in the life time of the

nawaub Sujah ul Dowlah Behadre deceased, or whether during the present reign, did not, in any matters which took place from the great friendship between this government and the company, act in anywise upon motive of avidity, and not having, in any respect, other than justice and propriety in intention, did not swerve from their rules, he kept his excelcy the vizier always pleased and satisfied," (you will remember, my lords, the last expressions of his pleasure and satisfaction,) "by his friendship and attention in every matter. He at all times showed favor and kindness towards the ministers of this government, and under his protection having enjoyed perfect happiness and comfort, we are from our hearts satisfied with, and grateful for, his benevolence and goodness."

Here, my lords, you have the character which Hyder Beg Khân gives of Mr. Hastings; of the man who he knew had loaded him, as he had done, with every kind of indignity, reproach, and outrage, with which a man can be loaded. Your lordships will see, that this testimony repeats, almost word for word, the testimony of the vizier nabob, which shows who the real writer is.

My lords, it is said that there is no word in the Persian language to express gratitude. With these signal instances of gratitude before us, I think we may venture to put one into their dictionary. Mr. Hastings has said he has had the pleasure to find from the people of India, that gratitude which he has not met with from his own countrymen, the House of Commons. Certainly if he has done us services, we have been ungrateful indeed; if he has committed enormous crimes, we are just. Of the miserable, dependent situation to which these people are reduced, that they are not ashamed to come forward and deny every thing they have given under their own hand; all these things show the portentous nature of this government, they show the portentous nature of that phalanx with which the House of Commons

is at present at war; the power of that captain-general of every species of Indian iniquity, which, under him, is embodied, arrayed, and paid, from Leadenhall-street to the furthermost part of India. We have but one observation more to offer upon this collection of rayzunumas, upon these miserable testimonials given by these wretched people, in contradiction to all their own previous representations; directly in contradiction to those of Mr. Hastings himself; directly in contradiction to those of Lord Cornwallis; directly in contradiction to truth itself. It is this. Here is Mr. Hastings with his agents, canvassing the country, with all that minuteness with which a county is canvassed at an election; and yet in this whole book of rayzunumas, not one fact adduced by us is attempted to be disproved, not one fact upon which Mr. Hastings's defence can be founded is attempted to be proved. There is nothing but bare vile panegyrics, directly belied by the state of facts; directly belied by the persons themselves; directly belied by Mr. Hastings at your bar; and by all the whole course of the correspondence of the country.

We here leave to your lordships' judgment the consideration of the elevated rank of the persons aggrieved, and degraded to the lowest state of dependence and actual distress; the consideration of the condition of the country gentlemen, who were obliged to hide their heads, wherever they could, from the plunderers and robbers established under his authority in every part of the country; and that of the miserable common people, who have been obliged to sell their children through want of food to feed them; the consideration, I say, of the manner in which this country, in the highest, in the middle, and in the lowest classes of its inhabitants, nay in physical works of God, was desolated and destroyed by this man. Having now done with the province of Oude, we will proceed to the province of Bengal, and consider what was the kind of government which he exercised there, and

in what manner it affected the people that were subjected to it.

Bengal, like every part of India subject to the British empire, contains (as I have already had occasion to mention) three distinct classes of people, forming three distinct social systems. The first is the Mahomedans, which, about seven hundred years ago, obtained a footing in that country, and ever since has in a great degree retained its authority there. For the Mahomedans had settled there long before the foundation of the Bengal empire, which was overturned by Tamerlane. So that this people, who are represented sometimes loosely as strangers, are people of ancient and considerable settlement in that country; and though, like Mahomedan settlers in many other countries, they have fallen into decay, yet, being continually recruited from various parts of Tartary under the Mogul empire, and from various parts of Persia, they continue to be the leading and most powerful people throughout the Peninsula; and so we found them there. These people, for the most part, follow no trades or occupation, their religion and laws forbidding them in the strictest manner to take usury or profit arising from money that is in any way lent; they have therefore no other means for their support, but what arises from their adherence to, and connection with, the Mogul governments and its viceroys. They enjoy under them various offices civil and military, various employments in the courts of law, and stations in the army. Accordingly a prodigious number of people, almost all of them persons of the most ancient and respectable families in the country, are dependent upon and cling to the soubahdars or viceroys of the several provinces. They, therefore, who oppress, plunder, and destroy the soubahdars, oppress, rob, and destroy an immense mass of people. It is true that a supervening government, established upon another, always reduces a certain portion of the dependants upon the latter to want. You must distress, by the very nature of the circumstances of the case, a great number of people; but then it is your

business, when, by the superiority which you have acquired, however you may have acquired it, (for I am not now considering whether you have acquired it by fraud or force, or whether by a mixture of both,) when, I say, you have acquired it, it is your business not to oppress those people with new and additional difficulties, but rather to console them in the state to which they are reduced, and to give them all the assistance and protection in your power.

The next system is composed of the descendants of the people who were found in the country by the Mahomedan invaders. The system before mentioned comprehends the official interest, the judicial interest, the court interest, and the military interest. This latter body includes almost the whole landed interest, commercial interest, and moneyed interest of the country. For the Hindoos not being forbidden by their laws or religious tenets as laid down in the shaster —many of them became the principal money lenders and bankers; and thus the Hindoos form the greatest part both of the landed and moneyed interest in that country.

The third and last system is formed of the English interest; which, in reality, whether it appears directly or indirectly, is the governing interest of the whole country; of its civil and military interest, of its landed, moneyed, and revenue interest; and what to us is the greatest concern of all, it is this system which is responsible for the government of that country to the government of Great Britain. It is divided into two parts, one emanating from the company, and afterwards regulated by act of parliament; the other a judicial body sent out by, and acting under, the authority of the crown itself. The persons composing that interest are those whom we usually call the servants of the company. They enter into that service, as your lordships know, at an early period of life, and they are promoted accordingly as their merit or their interest may provide for them. This body of men, with respect to its number, is so small as scarcely to deserve mentioning; but from certain circumstances, the

government of the whole country is fallen into their hands. Amongst these circumstances the most important and essential are their having the public revenues and the public purse entirely in their own hands, and their having an army maintained by that purse, and disciplined in the European manner. Such was the state of that country when Mr. Hastings was appointed governor in 1772. Your lordships are now to decide upon the manner in which he has comported himself with regard to all these three interests; first, whether he has made the ancient Mahomedan families as easy as he could; secondly, whether he has made the Hindoo inhabitants, the zemindars and their tenants, as secure in their property and as easy in their tenure as he could; and lastly, whether he has made the English interest a blessing to the country; and whilst it provided moderate, safe, and proper emoluments to the persons that were concerned in it—it kept them from oppression and rapine, and a general waste and ravage of the country; whether, in short, he made all these three interests pursue that one object, which all interests and all governments ought to pursue, the advantage and welfare of the people under them.

My lords, in support of our charge against the prisoner at your bar, that he acted in a manner directly the reverse of this; we have proved to you that his first acts of oppression were directed against the Mahomedan government; that government which had been before, not only in name, but in effect to the very time of his appointment, the real government of the country. After the company had acquired its right over it, some shadow still remained of the ancient government. An allowance was settled for the nabob of Bengal, to support the dignity of his court, which amounted to between four and five hundred thousand pounds a year. In this was comprehended the support of the whole mass of nobility; the soldiers, serving or retired; all the officers of the court; and all the women that were dependent upon them; the whole of the criminal jurisdiction of the country, and a

very considerable part of the civil law and the civil government. These establishments formed the constitutional basis of their political government.

The company never had, and it is a thing that we can never too often repeat to your lordships, the company never had of right despotic power in that country, to overturn any of these establishments. The mogul, who gave them their charters, could not give them such a power; he did not *de facto* give them such a power—the government of this country did not by act of parliament, and the company did not and could not by their delegation, give him such a power; the act, by which he was appointed governor, did not give him such a power. If he exercised it, he usurped it; and therefore every step we take in the examination of his conduct in Bengal, as in every step we take upon the same subject every where else, we look for the justification of this conduct to laws; the law of nations, the laws of this country, and the laws of the country he was sent to govern.

The government of that country, by the ancient constitution of the Mogul empire (besides the numberless individual checks and counter-checks in the inferior officers) is divided into the viceroyal part and the soubahdarry part. The viceroyal part takes in all criminal justice and political government. Mr. Hastings found the country under a viceroy, governing according to law, acting by proper judges and magistrates under him;—he himself not being the judicial but executive power of the country; that which sets the other in action and does not supersede it or supply its place. The other, the soubahdarry power, which was by the grant of the dewanny, conferred upon the company, had under its care the revenues, as much of the civil government as is concerned with the revenues, and many other matters growing out of it. These two offices are coördinate and dependent on each other. The company, after contracting to maintain the army out of it, got the whole revenue into their power. The army being thus within their power, the soubahdar by degrees vanished into an empty name.

When we thus undertook the government of the country, conscious that we had undertaken a task, which by any personal exertion of our own we were unable to perform in any proper or rational way, the company appointed a native of the country, Mahomed Reza Khân, who stands upon the records of the company, I venture to say, with such a character, as no man perhaps ever did stand, to execute the duties of both offices. Upon the expulsion of Cossim Ali Khân, the nabob of Bengal, all his children were left in a young, feeble, and unprotected state; and in that state of things, Lord Clive, Mr. Sumner, who sits near Mr. Hastings, and the rest of the council, wisely appointed Mahomed Reza Khân, to fulfil the two offices of deputy viceroy and deputy dewan, for which he had immense allowances, and great jaghires and revenues, I allow. He was a man of that dignity, rank, and consideration, added to his knowledge of law and experience in business, that Lord Clive and Mr. Sumner, who examined strictly his conduct at that time, did not think that £112,000 a year, the amount of the emoluments which had been allowed him, was a great deal too much: but at his own desire, and in order that these emoluments might be brought to stated and fixed sums, they reduced it to £90,000; an allowance which they thought was not more than sufficient to preserve the state of so great a magistrate, and a man of such rank, exercising such great employments. The whole revenue of the company depended upon his talents and fidelity; and you will find, that on the day in which he surrendered the revenues into our hands, the dewanny, under his management, was a million more than it produced on the day Mr. Hastings left it. For the truth of this, I refer your lordships to a letter of the company sent to the board of control. This letter is not in evidence before your lordships, and what I am stating is merely historical. But I state the fact, and with the power of referring, for their proof, to documents as authentic as if they were absolutely in evidence before you. Assuming, therefore, that all these facts may be verified by

cords of the company, I have now to state that this by some rumors true or false, was supposed to have nducted himself in a time of great calamity in that ry. A great famine had about this time grievously ed the whole province of Bengal. I must remark, by ay, that these countries are liable to this calamity; but greatly blessed by nature with resources which afford eans of speedy recovery, if their government does not eract them. Nature, that inflicts the calamity, soon the wound; it is in ordinary seasons the most fertile ry, inhabited by the most industrious people, and the disposed to marriage and settlement, probably that ex- the whole world; so that population and fertility are restored, and the inhabitants quickly resume their r industrious occupation.

ring the agitation excited in the country by the calami- ave just mentioned, Mahomed Reza Khân, through the ues of rajah Nundcomar, one of his political rivals, and ne English faction that supported him, was accused of one of the causes of the famine. In answer to this e, he alleged, what was certainly a sufficient justifica- -that he had acted under the direction of the English , to which his conduct throughout this business was fully n. The company, however, sent an order from England ve him tried; but though he frequently supplicated the nment at Calcutta, that his trial should be proceeded in, ler that he might be either acquitted and discharged, or mned, Mr. Hastings kept him in prison two years, un- etence, (as he wrote word to the directors,) that Ma- d Reza Khân himself was not very desirous to hasten atter. In the mean time the court of directors having red him from his great offices, authorized and command- r. Hastings (and here we come within the sphere of minutes) to appoint a successor to Mahomed Reza Khân, fulfil the duties of his station. Now I shall first show lordships what sort of person the court of directors

described to him as most fit to fill the office of Mahomed Reza Khân; what sort of person he did appoint; and then we will trace out to you the consequences of that appointment.

Letter from the court of directors to the president and council at Fort William, dated 28th August, 1771:—"Though we have not a doubt but that, by the exertion of your abilities and the care and assiduity of our servants in the superintendency of the revenues, the collections will be conducted with more advantage to the company and ease to the natives, than by means of a naib dewan; we are fully sensible of the expediency of supporting some ostensible minister in the company's interest at the nabob's court, to transact the political affairs of the sircar, and interpose between the company and the subjects of any European power, in all cases wherein they may thwart our interest, or encroach on our authority; and as Mahomed Reza Khân can no longer be considered by us as one, to whom such a power can be safely committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the company you shall be well assured; such person you will recommend to the nabob to succeed Mahomed Reza as minister of the government, and guardian of the nabob's minority; and we persuade ourselves that the nabob will pay such regard to your recommendation, as to invest him with the necessary power and authority.

"As the advantages, which the company may receive from the appointment of such minister, will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification, as may excite his zeal and secure his attachment to the company; we therefore empower you to grant to the person, whom you shall think worthy of this trust, an annual allowance not exceeding three lacks of rupees, (£30,000,) which we con-

sider not only as a munificient reward for any services he shall render the company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that in the choice you shall make of a person to be the active minister of the nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good, and the safety and interest of the company."

Here, my lords, a person was to be named fit to fill the office and supply the place of Mahomed Reza Khân, who was deputy viceroy of Bengal, at the head of the criminal justice of the country, and in short at the head of the whole ostensible Mahomedan government. He was also to supply the place of Mahomed Reza Khân as naib dewan, from which Reza Khân was to be removed: for you will observe the directors always speak of a man fit to perform all the duties of Mahomed Reza Khân; and amongst these he was to be as the guardian of the nabob's person, and the representative of his authority and government.

Mr. Hastings having received these orders from the court of directors did—what? He alleges in his defence, that no positive commands were given him; but a very sufficient description was given of the person who ought to succeed Mahomed Reza Khân, in whom the company had before recognised all the necessary qualities; and they therefore desire him to name a similar person. But, what does Mr. Hastings do in consequence of this authority? He names no man at all. He searches into the seraglio of the nabob, and names a woman to be the viceroy of the province, to be the head of the ostensible government, to be the guardian of the nabob's person, the conservator of his authority, and a proper representative of the remaining majesty of that government. Well, my lords, he searched the seraglio. When you have to take into consideration the guardianship of a

person of great dignity, there are two circumstances to be attended to; one a faithful and affectionate guardianship of his person; and the other a strong interest in his authority, and the means of exercising that authority in a proper and competent manner.

Mr. Hastings, when he was looking for a woman in the seraglio, (for he could find women only there,) must have found actually in authority there the nabob's own mother; certainly a person who by nature was most fit to be his guardian; and there is no manner of doubt of her being sufficiently competent to that duty. Here then was a legitimate wife of the nabob Jaffier Ali Khân, a woman of rank and distinction, fittest to take care of the person and interests, as far as a woman could take care of them, of her own son. In this situation, she had been placed before, during the administration of Mahomed Reza Khân, by the direct orders of the governor, Sir John Cartier. She had, I say, been put in possession of that trust, which it was natural and proper to give to such a woman. But what does Mr. Hastings do? He deposes this woman. He strips her of her authority, with which he found her invested under the sanction of the English government. He finds out a woman in the seraglio called Munny Begum, who was bound to the nabob by no tie whatever of natural affection. He makes this woman the guardian of the young nabob's person. She had a son who had been placed upon the musnud after the death of his father Sujah Dowlah, and had been appointed his guardian. This young nabob died soon afterwards, and was succeeded by Nuzimut Dowlah, another natural son of Sujah Dowlah. This prince being left without a mother, this woman was suffered to retain the guardianship of the nabob till his death. When Mobarick ul Dowlah, a legitimate son of Sujah Dowlah, succeeded him, Sir John Cartier did what his duty was, he put the nabob's own mother into the place which she was naturally entitled to hold, the guardianship of her own son, and displaced Munny Begum. The

whole of the arrangement, by which Munny Begum was appointed guardian of the two preceding nabobs stands in the company's records, stigmatized as a transaction base, wicked, and corrupt. We will read to your lordships an extract from a letter which has the signature of Mr. Sumner, the gentleman who sits here by the side of Mr. Hastings, and from which you will learn what the company and the council thought of the original nomination of Munny Begum and of her son. You will find that they considered her as a great agent, and instrument of all the corruption there; and that this whole transaction, by which the bastard son of Munny Begum was brought forward to the prejudice of the legitimate son of the nabob, was considered to be, what it upon the very face of it speaks itself to be, corrupt and scandalous.

Extract of a general letter from the president and council at Calcutta, Bengal, to the select committee of the directors. Paragraph 5.—"At Fort Saint George we received the first advices of the demise of Meer Jaffier, and of Sujah Dowlah's defeat, it was there firmly imagined that no definitive measures would be taken, either with respect to a peace or filling the vacancy in the nizamut before our arrival, as the *Lapwing* arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose, for the successful exertion of which the happiest occasion now offered. However, a contrary resolution prevailed in the council; the opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted; a treaty was hastily drawn up by the board, or rather transcribed with few unimportant additions from that concluded with Meer Jaffier, and a deputation, consisting of Messrs. Johnstone, senior, Middleton, and Leycester, appointed to raise the natural son of the deceased nabob to the soubahdarry, in prejudice of the claim of the grandson; and for this measure such reasons assigned

as ought to have dictated a diametrically opposite resolution. Miran's son was a minor, which circumstance alone would have naturally brought the whole administration into our hands, at a juncture when it became indispensably necessary we should realize the shadow of power and influence, which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistence was not regarded, nor was it material to the views for precipitating the treaty, which was pressed on the young nabob at the first interview, in so earnest and indelicate a manner, as highly disgusted him and chagrined his ministers, while not a single rupee was stipulated for the company, whose interests were sacrificed, that their servants might revel in the spoils of a treasury, before impoverished, but now totally exhausted."

"6.—This scene of corruption was first disclosed at a visit the nabob paid to Lord Clive and the gentlemen of the committee a few days after our arrival; he there delivered to his lordship a letter filled with bitter complaints of the insults and indignity he had been exposed to, and the embezzlement of near twenty lacks of rupees issued from his treasury for purposes unknown, during the late negotiations;—so public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance, entered by Mr. Leycester, against that very nabob in whose elevation he boasts of having been a principal agent."

"7.—Mahomed Reza Khân, the naib soubah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the committee the very extraordinary narrative entered in our proceedings, the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills or obligation. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before

this period, exhibited to the honorable court of directors; at least never vouched by undeniable testimony and authentic documents by Juggut Seet, who himself was obliged to contribute largely to the sums demanded by Moolyram, who was employed by Mr. Johnstone in all these pecuniary transactions by the nabob and Mahomed Reza Khân, who were the heaviest sufferers; and lastly, by the confession of the gentlemen themselves, whose names are specified in the distribution list."

"8. — Juggut Seet expressly declared in his narrative, that the sum which he agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st of June, it fully appears, that the presents from the nabob and Mahomed Reza Khân, exceeding the immense sum of seventeen lacks, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister. The charge, indeed, is denied on the one hand, as well as affirmed on the other. Your honorable board must therefore determine, how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders; the exposing the government in a manner to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness, because we speak from conviction founded upon indubitable evidence, that, besides the above sums specified in the distribution account, to the amount of £228,125 sterling, there was likewise to the value of several lacks of rupees procured from Nundcomar and Roydullub, each of whom aspired at, and obtained, a promise of that very employment it was predetermined to bestow on Mahomed Reza Khân.—Signed at the end,— Clive, Wm B. Sumner, John Carnac, H. Verelst, Fra^{s} Sykes."

My lords, the persons who sign this letter are mostly the

friends of, and one of them is the gentleman who is bail for, and sits near, Mr. Hastings. They state to you this horrible and venal transaction, by which the government was set to sale, by which a bastard son was elevated to the wrong of the natural and legitimate heir; and in which a prostitute, his mother, was put in the place of the honorable and legitimate mother of the representative of the family.

Now if there was one thing more than another under heaven, which Mr. Hastings ought to have shunned, it was the suspicion of being concerned in any such infamous transaction as that which is here recorded to be so—a transaction in which the country government had before been sold to this very woman and her offspring, and in which two great candidates for power in that country fought against each other, and perhaps the largest offerer carried it.

When a governor-general sees the traces of corruption in the conduct of his predecessors, the traces of injustice following that corruption,—the traces of notorious irregularity, in setting aside the just claimants in favor of those that have no claim at all,—he has that before his eyes which ought to have made him the more scrupulously avoid, and to keep at the farthest distance possible from, the contagion, and even the suspicion of being corrupted by it. Moreover, my lords, it was in consequence of these very transactions, that the new covenants were made, which bind the servants of the company, never to take a present of above £200, or some such sum of money, from any native in circumstances there described. This covenant I shall reserve for consideration in another part of this business. It was in pursuance of this idea, and to prevent the abuse of the prevailing custom of visiting the governing powers of that country, with a view of receiving presents from them, that the House of Commons afterwards, in its inquiries, took up this matter, and passed the regulating act in 1773. But to return to Munny Begum—this very person, that had got into power by the means already mentioned, did Mr. Hastings resort to, knowing her to be

well skilled in the trade of bribery; — knowing her skilful practice in business of this sort; knowing the fitness of her eunuchs, instruments, and agents to be dealers in this kind of traffic. This very woman did Mr. Hastings select, stigmatized as she was in the company's record, stigmatized by the very gentleman who sits next to him, and whose name you have heard read to you, as one of those members of the council that reprobated the horrible iniquity of the transaction, in which this woman was a principal agent. For though neither the young nabob nor his mother ought to have been raised to the stations in which they were placed, and were placed there for the purpose of facilitating the receipt of bribes; yet the order of nature was preserved, and the mother was made the guardian of her own son. For though she was a prostitute and he a bastard, yet still she was a mother and he a son; and both nature and legitimate disposition, with regard to the guardianship of a son, went together.

But what did Mr. Hastings do? Improving upon the preceding transaction, improving on it by a kind of refinement in corruption—he drives away the lawful mother from her lawful guardianship; the mother of nature he turns out, and he delivers her son to the stepmother, to be the guardian of his person. That your lordships may see who this woman was, we shall read to you a paper from your lordships' minutes, produced before Mr. Hastings's face, and never contradicted by him from that day to this.

At a consultation, 24th July, 1775:—"Shah Chanim, deceased, was sister to the nabob Mahub ul Jung by the same father, but different mothers; she married Meer Mahomed Jaffier Khân, by whom she had a son and a daughter; the name of the former was Meer Mahomed Sadduc Ali Khân, and the latter was married to Meer Mahomed Cossim Khân Sadduc; Ali Khân had two sons and two daughters; the sons' names are Meer Sydoc and Meer Sobeem, who are now living; the daughters were married to Sultan Merza Daood.

"Baboo Begum, the mother of the nabob Mobarick ul Dowlah, was the daughter of Summim Ali Khân, and married Meer Mahomed Jaffier Khân. The history of Munny Begum, is this :—At a village called Balcurda, near Sehindra, there lived a widow, who from her great poverty, not being able to bring up her daughter Munny, gave her to a slave girl belonging to Summin Ali Khân, whose name was Bissoo; during the space of five years she lived at Shahjehunabad, and was educated by Bissoo, after the manner of a dancing girl; afterward the nabob Shamot Jung, upon the marriage of Ikram ul Dowlah, brother to the nabob Surage ul Dowlah, sent for Bissoo Beg's set of dancing girls from Shahjehunabad, of which Munny Begum was one, and allowed them 10,000 rupees for their expenses, to dance at the wedding; while this ceremony was celebrating they were kept by the nabob, but some months afterwards he dismissed them, and they took up their residence in this city. Meer Mahomed Jaffier Khân then took them into keeping, and allowed Munny and her set 500 rupees per month; till at length finding that Munny was pregnant, he took her into his own house; she gave birth to the nabob Nijam ul Dowlah, and in this manner she has remained in the nabob's family ever since."

My lords, I do not mean to detain you long upon this part of the business; but I have thought it necessary to advert to these particulars. As to all the rest, the honorable and able manager who preceded me has sufficiently impressed upon your lordships' minds the monstrous nature of the deposing of the nabob's mother from the guardianship of her son, for the purpose of placing this woman there at the head of all his family, and of his domestic concerns in the seraglio within doors, and at the head of the state without; together with the disposal of the whole of the revenue that was allowed him. Mr. Hastings pretends, indeed, to have appointed at the same time a trusty mutseddy to keep the accounts of the revenue, but he has since declared that no account had been kept, and that it was in vain to desire it or to call for it.

This is the state of the case with respect to the appointment of Munny Begum. With regard to the reappointment of Mahomed Reza Khân, you have heard from my worthy fellow manager, that he was acquitted of the charges that had been brought against him by Mr. Hastings, after a long and lingering trial. The company was perfectly satisfied with the acquittal, and declared that he was not only acquitted, but honorably acquitted; and they also declared that he had a fair claim to a compensation for his sufferings. They not only declared him innocent, but meritorious. They gave orders that he should be considered as a person who was to be placed in office again upon the first occasion, and that he had entitled himself to this favor by his conduct in the place which he had before filled.

The council of the year 1775, (whom I can never mention nor shall mention without honor,) who complied faithfully with the act of parliament, who never disobeyed the orders of the company, and to whom no man has imputed even the shadow of corruption, found that this Munny Begum had acted in the manner which my honorable fellow manager has stated; that she had dissipated the revenue; that she had neglected the education of the nabob, and had thrown the whole judicature of the country into confusion. They ordered that she should be removed from her situation; that the nabob's own mother should be placed at the head of the seraglio, a situation to which she was entitled; and, with regard to the rest of the offices, that Mahomed Reza Khân should be employed to fill them.

Mr. Hastings resisted these propositions with all his might; but they were by that happy momentary majority carried against him, and Mahomed Reza Khân was placed in his former situation. But Mr. Hastings, though thus defeated, was only waiting for what he considered to be the fortunate moment for returning again to his corrupt, vicious, tyrannical, and disobedient habits. The reappointment of Mahomed Reza Khân had met the fullest approbation of the company;

and they directed, that as long as his good behavior entitled him to it, he should continue in the office. Mr. Hastings, however, without alleging any ill behavior, and for no reason that can be assigned, but his corrupt engagement with Munny Begum, overturned (upon the pretence of restoring the nabob to his rights) the whole of the company's arrangement, as settled by the late majority, and approved by the court of directors.

I have now to show you what sort of a man the nabob was, who was thus set up in defiance of the company's authority; what Mr. Hastings himself thought of him; what the judges thought of him; and what all the world thought of him.

I must first make your lordships acquainted with a little preliminary matter:—a man named Roy Radachurn, had been appointed vakeel, or agent, to manage the nabob's affairs at Calcutta. One of this man's creditors attached him there. Roy Radachurn pleaded his privilege as the vakeel or representative of a sovereign prince. The question came to be tried in the supreme court, and the issue was, Whether the nabob was a sovereign prince or not? I think the court did exceedingly wrong in entertaining such a question; because, in my opinion, whether he was or was not a sovereign prince, any person representing him ought to be left free, and to have a proper and secure means of concerting his affairs with the council. It was, however, taken otherwise; the question was brought to trial, Whether the nabob was a sovereign prince, sufficient to appoint and protect a person to manage his affairs, under the name of an ambassador? In that cause did Mr. Hastings come forward to prove, by a voluntary affidavit, that he had no pretensions, no power, no authority at all; that he was a mere pageant, a thing of straw, and that the company exercised every species of authority over him, in every particular, and in every respect; and that therefore to talk of him as an efficient person, was an affront to the

common sense of mankind ; and this you will find the judges afterwards declared to be their opinion.

I will here press again one remark, (which perhaps you may recollect that I have made before,) that the chief and most usual mode, in which all the villanies perpetrated in India by Mr. Hastings and his copartners in iniquity, has been through the medium and instrumentality of persons, whom they pretended to have rights of their own, and to be acting for themselves ; whereas such persons were, in fact, totally dependent upon him, Mr. Hastings, and did no one act that was not prescribed by him. In order, therefore, to let you see the utter falsehood, fraud, prevarication, and deceit of the pretences by which the native powers of India are represented to be independent, and are held up as the instruments of defying the laws of this kingdom, under pretext of their being absolute princes, I will read the affidavit of Warren Hastings, Esq., governor-general of Bengal, made the 31st July, 1775 :—"This deponent maketh oath, and saith, That the late president and council did, on or about the month of August, 1772, by their own authority appoint Munny Begum, relict of the late nabob, Meer Jaffier Ali Khân, to be guardian to the present nabob, Mobarick ul Dowlah, and Rajah Goordas, son of Mahah Rajah Nundcomar to be dewan of the said nabob's household ; allowing to the said Munny Begum a salary of 140,000 rupees per annum ; and to the said Rajah Goordas, for himself and officers, a salary of 100,000 rupees per annum.—That the said late president and council did, in or about the month of August, 1772, plan and constitute regular and distinct courts of justice, civil and criminal, by their own authority, for administration of justice to the inhabitants throughout Bengal, without consulting the said nabob, or requiring his concurrence, and that the said civil courts were made solely dependent on the presidency of Calcutta ; and the said criminal courts were put under the inspection and control of the company's servants, although ostensibly under the name of the nazim, as appears from the

following extracts from the plan for the administration of justice, constituted by the president and council as aforesaid."

My lords, we need not go through all the circumstances of this affidavit which is in your minutes, and to save time, I will refer your lordships to them. This affidavit, as I have already said, was put into the court to prove, that the nabob had no power or authority at all; but what is very singular in it, and which I recommend to the particular notice of your lordships when you are scrutinizing this matter, is, that there is not a single point stated to prove the nullity of this nabob's authority, that was not Mr. Hastings's own particular act. Well, the governor-general swears; the judge of the court refers to him in his decision; he builds and bottoms it upon the governor-general's affidavit; he swears, I say, that the council, by their own authority, appointed Munny Begum to be guardian to the nabob. "By what authority," the governor-general asks, "did the council erect courts of law and superintend the administration of justice, without any communication with the nabob? Had the nabob himself any idea that he was a sovereign? Does he complain of the reduction of his stipend or the infringement of treaties? No; he appears to consider himself to be, what in fact he really is, absolutely dependent on the company, and to be willing to accept any pittance they would allow him for his maintenance. He claims no rights. Does he complain that the administration of justice is taken into the hands of the company? No. By the treaty, the protection of his subjects is delivered up to the company; and he well knew, that, whoever may be held up as the ostensible prince, the administration of justice must be in the hands of those who have power to enforce it." He goes on, "The governor-general, who, I suppose, had a delicacy to state more than what had before been made public, closes his affidavit with saying, that all he has deposed to, he believes to be publicly known,

as it is particularly set forth in the printed book entitled Reports of the Committee of the House of Commons. I knew," he adds, "it was there, and was therefore surprised at this application; it is so notorious that every body in the settlement must have known it; when I say every body I mean with an exception to the gentlemen who have applied to the court. The only reason I can give for their applying is the little time they have been in the country." The judge, (I think it is chief justice Impey,) then goes on, "Perhaps this question might have been determined merely on the dates of the letters to the governor-general; but as the council have made the other a serious question, I should not have thought that I had done my duty, if I had not given a full and determinate opinion upon it; I should have been sorry if I had left it doubtful, whether the empty name of a nabob should be thrust between a delinquent and the laws, so as effectually to protect him from the hand of justice."

My lords, the court, as you see, bottoms its determination on what we stand upon here, Mr. Hastings's evidence, that the empty name of a pretended sovereign should not be thrust forth between a delinquent and justice.

What does Mr. Lemaistre, the other judge, say upon this occasion,—"with regard to this phantom, that man of straw, Mobarick ul Dowlah, it is an insult on the understanding of the court, to have made the question of his sovereignty. But as it came from the governor-general and council, I have too much respect for that body to treat it ludicrously, and I confess, I cannot consider it seriously, and we always shall consider a letter of business from the nabob the same, as a letter from the governor-general and council."

This is the unanimous opinion of all the judges concerning the state and condition of the nabob. We have thus established the point we mean to establish, that any use which shall be made of the nabob's name, for the purpose

of justifying any disobedience to the orders of the company, or of bringing forward corrupt and unfit persons for the government, could be considered as no other than the act of the persons who shall make such a use of it; and that no letter, that the nabob writes to any one in power, was or could be considered as any other than the letter of that person himself. This we wish to impress upon your lordships, because, as you have before seen the use that has been made in this way of the nabob of Oude, you may judge of the use that has been made of the name of Hyder Beg Khân, and of the names of all the eminent persons of the country. One word more, and I have done; if, whilst you remark the use that is made of this man's name, your lordships shall find, that this use has ever been made of his name for his benefit, or for the purpose of giving him any useful or substantial authority, or of meliorating his condition in any way whatever, forgive the fraud, forgive the disobedience.

But if we have shown your lordships, that it was for no other purpose than to disobey the orders of the company, to trample upon the laws of his country, to introduce back again, and to force into power, those very corrupt and wicked instruments which had formerly done so much mischief, and for which mischief they were removed, then we shall not have passed our time in vain, in endeavoring to prove that this man, in the opinion of a court of justice, and by public notoriety, and by Mr. Hastings's own opinion, was held to be fit for nothing but to be made a tool in his hands.

Having stated to your lordships generally the effects produced upon the Mahomedan interest of Bengal, by the misconduct of the prisoner at your bar, with respect to the appointment of the guardian of the nabob or soubahdar of that province, and of the ministers of his government, I shall have the honor of attending your lordships another day; and shall show you the use that has been made of this government and of the authority of the nabob, who, as your lord-

ships have seen, was the mere phantom of power; and I shall show how much a phantom he was for every good purpose, and how effectual an instrument he was made for every bad one.

[Adjourned.

TRIAL.

SATURDAY, 14TH JUNE, 1794.

EIGHTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—Your lordships heard, upon the last day of the meeting of this high court, the distribution of the several matters which I should have occasion to lay before you, and by which I resolved to guide myself, in the examination of the conduct of Mr. Hastings with regard to Bengal. I stated, that I should first show the manner in which he comported himself with regard to the people, who were found in possession of the government when we first entered into Bengal. We have shown to your lordships the progressive steps by which the native government was brought into a state of annihilation. We have stated the manner in which that government was solemnly declared, by a court of justice, to be depraved and incompetent to act, and dead in law. We have shown to your lordships (and we have referred you to the document) that its death was declared upon a certificate of the principal attending physician of the state, namely Mr. Warren Hastings himself; this was declared in an affidavit made by him, wherein he has gone through all the powers of government, of which he had regularly despoiled the nabob Mobarick ul Dowlah part by part, exactly according to the ancient formula, by which a degraded knight was despoiled of his knighthood; they took, I say, from him all the powers

of government, article by article; his helmet, his shield, his cuirass, at last they hacked off his spurs, and left him nothing. Mr. Hastings laid down all the premises, and left the judges to draw the conclusion.

Your lordships will remark, (for you will find it on your minutes,) that the judges have declared this affidavit of Mr. Hastings to be a *delicate affidavit.* We have heard of affidavits that were true. We have heard of affidavits that were perjured; but this is the first instance that has come to our knowledge, (and we receive it as a proof of Indian refinement,) of a delicate affidavit; this affidavit of Mr. Hastings we shall show to your lordships, is not entitled to the description of a good affidavit, however it might be entitled, in the opinion of those judges, to the description of a delicate affidavit, a phrase by which they appear to have meant that he had furnished all the proofs of the nabob's deposition, but had delicately avoided to declare him expressly deposed. The judges drew, however, this indelicate conclusion; the conclusion they drew was founded upon the premises; it was very just and logical; for they declared, that he was a mere cypher. They commended Mr. Hastings's delicacy, though they did not imitate it; but they pronounced sentence of deposition upon the said nabob, and they declared that any letter or paper, that was produced from him, could not be considered as an act of government. So effectually was he removed by the judges out of the way, that no minority, no insanity, no physical circumstances, not even death itself, could put a man more completely out of sight. They declare that they would consider his letters in no other light than as the letters of the company, represented by the governor-general and council. Thus, then, we find the nabob legally dead.

We find next, that he was politically dead. Mr. Hastings, not satisfied with the affidavit he made in court, has thought proper upon record to inform the company and the world of what he considered him to be civilly and politically.—[Minute

entered by the governor-general :]—" The governor-general. I object to this motion, [a motion relative to the trial above alluded to] because I do not apprehend that the declaration of the judges, respecting the nabob's sovereignty, will involve this government in any difficulties with the French or other foreign nations." [Mark, my lords, these political effects.] " How little the screen of the nabob's name has hitherto availed, will appear in the frequent and inconclusive correspondence which has been maintained with the foreign settlements, the French especially, since the company have thought proper to stand forth in their real character in the exercise of the dewanny. From that period the government of these provinces has been wholly theirs, nor can all the subtilties and distinctions of political sophistry conceal the possession of power, where the exercise of it is openly practised and universally felt in its operation.—In deference to the commands of the company, we have generally endeavored, in all our correspondence with foreigners, to evade the direct avowal of our possessing the actual rule of the country; employing the unapplied term government, for the power to which we exacted their submission; but I do not remember any instance, and I hope none will be found, of our having been so disingenuous as to disclaim our own power, or to affirm that the nabob was the real sovereign of those provinces. In effect I do not hesitate to say, that I look upon this state of indecision to have been productive of all the embarrassments which we have experienced with the foreign settlements; none of them have ever owned any dominion but that of the British government in these provinces. Mr. Chevalier has repeatedly declared, that he will not acknowledge any other, but will look to that only for the support of the privileges possessed by his nation, and shall protest against that alone as responsible for any act of power, by which their privileges may be violated or their property disturbed. The Dutch, the Danes, have severally applied to this government, as to the ruling power, for the grant of indulgences and the redress of

eir grievances. In our replies to all, we have constantly sumed the prerogatives of that character, but eluded the rect avowal of it; under the name of influence, we have fered them protection, and we have granted them the in-lgences of government, under elusive expressions, some-nes applied to our treaties with the nabobs, sometimes to ır own rights as the dewan, sometimes openly declaring the rtual rule which we held of these provinces, we have con-nded with them for the rights of government, and threat-ıed to repel with force the encroachments on it; we, in one two instances, have actually put these threats into execu-ɔn, by orders directly issued to the officers of government, ıd enforced by detachments from our own military forces. he nabob was never consulted, nor was the pretence ever ade, that his orders or concurrence were necessary; in a ord, we have always allowed ourselves to be treated as prin-pals; we have treated as principals; but we have contented ırselves with letting our actions insinuate the character hich we effectually possessed, without asserting it.—For y own part, I have ever considered the reserve which has ɜen enjoined on us in this respect, as a consequence of the ɔubts which have long prevailed, and which are still suffered ı subsist, respecting the rights of the British government and ıe company to the property and dominion of these provinces, ɔt as inferring a doubt with respect to any foreign power; has, however, been productive of great inconveniences, it as prevented our acting with vigor in our disputes with the utch and French. The former refuse to this day the pay-ıent of the Bahor Pescush, although the right is incontesta-ly against them, and we have threatened to enforce it. Both ations refuse to be bound by our decrees, or to submit to ır regulations; they refuse to submit to the payment of the uties on the foreign commerce, but in their own way, which mounts almost to a total exemption; they refuse to submit ı the duty of ten per cent. which is levied upon foreign salt, y which (unless a stop can be put to it by a more decisive

rule) they will draw the whole of that important trade into their own colonies; and even in the single instance in which they have allowed us to prescribe to them, namely, the embargo on grain on the apprehension of a dearth, I am generally persuaded that they acquiesced from the secret design of taking the advantage of the general suspension, by exporting grain clandestinely under cover of their colors, which they knew would screen them from the rigorous examination of our officers. We are precluded from forming many arrangements of general utility, because of their want of control over the European settlement; and a great part of the defects which subsist in the government and commercial state of the country are ultimately derived from this source. I have not the slightest suspicion, that a more open and decided conduct would expose us to worse consequences from the European nations; on the contrary, we have the worst of the argument, while we contend with them under false colors, while they know us under the disguise, and we have not the confidence to disown it; what we have done and may do under an assumed character, is full as likely to involve us in a war with France, a nation not much influenced by logical weapons, if such can be supposed to be the likely consequences of our own trifling disagreement with them, as if we stood forth their avowed opponents. To conclude, instead of regretting, with Mr. Francis, the occasion which deprives us of so useless and hurtful a disguise; I should rather rejoice, (were it really the case,) and consider it as a crisis which freed the constitution of our government from one of its greatest defects."

Now, my lords, the delicacy of the affidavit is no more—the great arcanum of the state is avowed—it is avowed that the government is ours—that the nabob is nothing. It is avowed to foreign nations; and the disguise which we have put on, Mr. Hastings states, in his opinion, to be hurtful to the affairs of the company. Here we perceive the exact and

the perfect agreement between his character as a delicate affidavit maker in a court of justice, and his indelicate declarations upon the records of the company for the information of the whole world, concerning the real arcanum of the Bengal government.

Now I cannot help praising his consistency upon this occasion, whether his policy was right or wrong; hitherto we find the whole consistent, we find the affidavit perfectly supported. The inferences, which delicacy at first prevented him from producing, better recollection and more perfect policy made him here avow. In this state things continued. The nabob, your lordships see, is dead—dead in law — dead in politics—dead in a court of justice—dead upon the records of the company. Except in mere animal existence, it is all over with him.

I have now to state to your lordships, that Mr. Hastings, who has the power of putting even to death in this way, possesses likewise the art of restoring to life. But what is the medicine that revives them?—Your lordships, I am sure, will be glad to know what nostrum, not hitherto pretended to by quacks in physic, by quacks in politics, nor by quacks in law, will serve to revive this man, to cover his dead bones with flesh, and to give him life, activity, and vigor. My lords, I am about to tell you an instance of a recipe of such infallible efficacy, as was never before discovered. His cure for all disorders is disobedience to the commands of his lawful superiors. When the orders of the court of directors are contrary to his own opinions, he forgets them all. Let the court of directors but declare in favor of his own system and his own positions, and that very moment, merely for the purpose of declaring his right of rebellion against the laws of his country, he counteracts them. Then these dead bones arise; or, to use a language more suitable to the dignity of the thing, Bayes's men are all revived. "Are these men dead?" asks Mr. Bayes's friend. "No," says he, "they shall all get up and dance immediately."—But in this ludi-

crous view of Mr. Hastings's conduct, your lordships must not lose sight of its great importance. You cannot have, in an abstract, as it were, any one thing that better develops the principles of the man; that more fully develops all the sources of his conduct; and of all the frauds and iniquities which he has committed, in order at one and the same time to evade his duty to the court of directors, that is to say, to the laws of his country, and to oppress, crush, rob, and ill-treat the people that are under him.

My lords, you have had an account of the person who represented the nabob's dignity, Mahomed Reza Khân; you have heard of the rank he bore, the sufferings that he went through, his trial and honorable acquittal, and the company's order, that the first opportunity should be taken to appoint him naib soubah, or deputy of the nabob, and more especially to represent him in the administering of justice. Your lordships are also acquainted with what was done in consequence of those orders by the council general, in the restoration and reëstablishment of the executive power in this person; not in the poor nabob, a poor, helpless, ill-bred, ill-educated boy, but in the first Mussulman of the country, who had before exercised the office of naib soubah, or deputy viceroy, in order to give some degree of support to the expiring honor and justice of that country. The majority, namely, General Clavering, Colonel Monson, and Mr. Francis, whose names, as I have before said, will, for obedience to the company, fidelity to the laws, honor to themselves, and a purity untouched and unimpeached, stand distinguished and honored in spite of all the corrupt and barking virulence of India against them. These men, I say, obeyed the company; they had no secret or fraudulent connection with Mahomed Reza Khân; but they reinstated him in his office.

The moment that real death had carried away two of the most virtuous of this community, and that Mr. Hastings was thereby reëstablished in his power, he returned to his former state of rebellion to the company, and of fraud and oppres-

a upon the people. And here we come to the re-vivifica-
g medicine. I forgot to tell your lordships that this nabob,
ose letters were declared by a court of law, with his own
robation, to be in effect letters of the governor-general
l council, concludes a formal application transmitted to
m, and dated 17th November, 1777, with a demand of the
toration of his rights. Mr. Hastings upon this enters the
lowing minute:—"The nabob's demands are grounded
on positive rights, which will not admit of a discussion;
has an incontestable right to the management of his own
usehold; he has an incontestable right to the nizamut."
My lords, you have heard his affidavit, you have heard his
owed and recorded opinion. In direct defiance of both,
cause he wishes to make doubtful the orders of the com-
ny and to evade his duty, he here makes without any deli-
cy a declaration, which, if it be true, the affidavit is a gross
jury, let it be managed with what delicacy he pleases.
ne word nizamut, which he uses, may be unfamiliar to
ur lordships. In India it signifies the whole executive
vernment, though the word strictly means viceroyalty; all
e princes of that country holding their dominions as repre-
ntatives of the mogul, the great nominal sovereign of the
pire. To convince you that it does so, take his own ex-
nation of it.—"It is his by inheritance; the adowlet and
e fouzdarry having been repeatedly declared by the com-
ny and by this government, to appertain to the nizamut.
he adowlet, namely, the distribution of civil justice; and
e fouzdarry, namely, the executive criminal justice of that
untry, that is to say, the whole sovereign government of
e courts of justice, have been declared by the company to
pertain to the nizamut."

I beg of your lordships to recollect, when you take into
ur consideration the charges of the House of Commons,
at the person they accuse, and persons suborned by him,
ve never scrupled to be guilty, without sense of shame, of

the most notorious falsehoods, the most glaring inconsistencies, and even of perjury itself; and that it is thus they make the power of the company dead or alive, as best suits their own wicked, clandestine, and fraudulent purposes; and the great end of all their actions and all their politics, plunder and peculation.

I must here refer your lordships to a minute of Mr. Francis's, which I recommend to your reading at large, and to your very serious recollection, in page 1086; because it contains a complete history of Mr. Hastings's conduct, and of its effects upon this occasion.

And now to proceed. The nabob, in a subsequent application to the company's government at Calcutta, desires that Munny Begum may be allowed to take on herself the whole administration of the affairs of the nizamut, (not the superiority in the administration of the affairs of the seraglio only, though this would have been a tyrannical usurpation of the power belonging to the legitimate mother of the nabob,) without the interference of any person whatever; and he adds, that by this the governor will give him complete satisfaction. In all fraudulent correspondences, you are sure to find the true secret of it at last. It has been said by somebody, that the true sense of a letter is to be learnt from its postscript. But this matter is so clumsily managed, that in contempt of all decency, the first thing the nabob does, is to desire he may be put into the hands of Munny Begum, and that without the interference of any body whatever.

The next letter immediately following on the heels of the former, was received by the council on the 12th of February, 1778. In this letter he desires that Mahomed Reza Khân may be removed from his office in the government; and he expresses his hopes, that as he himself is now come to years of maturity, and by the blessing of God is not so devoid of understanding as to be incapable of conducting his affairs; he says, "I am therefore hopeful, from your favor and regard to justice, that you will deliver me from the authority of the

foresaid Mahomed Reza Khân, and give your permission that take on myself the management of the adowlet and fouzarry."—There is no doubt of this latter application, in contradiction to the former, having arisen from a suspicion that ıe appointment of Munny Begum would be too gross, and ould shock the council; and Mr. Hastings therefore orders ıe second letter to be written from the nabob, in which he laims the powers of government for himself. Then follows letter from the governor-general, informing the nabob, that had been agreed that his excellency being now arrived at ears of maturity, the control of his own household, and the ourts dependent on the nizamut and fouzdarry, should be aced in his hands; and Mahomed Reza Khân was directed, the same time, to resign his authority to the nabob.

Here your lordships see Munny Begum, in effect, cometely invested with, and you will see how she has used her ower; for I suppose your lordships are sick of the name of abob, as a real actor in the government. You now see the ue parties in the transaction, namely, the lover, Warren astings, Esq.; and Munny Begum, the object of his passion id flame; to which he sacrifices as much as Antony ever d to Cleopatra. You see the object of his love and affecon placed in the administration of the viceroyalty; you see aced at her disposal the administration of the civil judicare, and of the executory justice; together with the salary, hich was intended for Mahomed Reza Khân.

Your lordships will be pleased to remember, that this disibution of the nabob's government was made in direct dence of the orders of the company. And as a further proof this defiance, it will not escape your lordships, that, before is measure was carried into execution, Mr. Barwell being ne day absent from the council, Mr. Hastings fell into a miority; and it was agreed, upon that occasion, that the whole fair should be referred home to the court of directors, and at no arrangement should be made till the directors had ven their opinion. Mr. Hastings, the very moment after

Mr. Barwell's return to his seat in the council, rescinds this resolution, which subjected the orders of the court of directors to their own reconsideration; and he hurries headlong and precipitately into the execution of his first determination. Your lordships will also see, in this act, what sort of use Mr. Hastings made of the council; and I have therefore insisted upon all these practices of the prisoner at your bar, because there is not one of them in which some principle of government is not wounded, if not mortally wounded.

My lords, we have laid before you the consequences of this proceeding. We have shown what passed within the walls of the seraglio, and what tyranny was exercised by this woman over the multitude of women there. I shall now show your lordships, in what manner she made use of her power over the *supreme judicature*, to peculate, and to destroy the country; and I shall adduce, as proofs of this abuse of her authority, the facts I am about to relate, and of which there is evidence before your lordships. There was an ostensible man, named Sudder ul Hoe Khân, placed there at the head of the administration of justice, with a salary of £7,000 a year of the company's money. This man, in a letter to the governor-general and council, received the 1st of September, 1778,—says, "His highness, himself, [the nabob,] is not deficient in regard for me, but certain bad men have gained an ascendancy over his temper, by whose instigation he acts." You will see, my lords, how this poor man was crippled in the execution of his duty, and dishonored by the corruption of this woman and her eunuchs, to whom Mr. Hastings had given the supreme government, and with it an uncontrolled influence over all the dependant parts. After thus complaining of the slights he receives from the nabob, he adds, "Thus they cause the nabob to treat me, sometimes with indignity, and others with kindness, just as they think proper to advise him; their view is that by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station, or to join with them and act

ith their advice, and appoint creatures of their recommen-
ation to the different offices, from which they might draw
ofit to themselves."—In a subsequent letter to the governor,
udder ul Hoe Khân says, "The begum's ministers, before
y arrival, with the advice of their counsellors, caused the
abob to sign a receipt, in consequence of which they re-
ived, at two different times, near 50,000 rupees, in the
ame of the officers of the adowlet, fouzdarry, &c. from
e company's sircar; and having drawn up an account cur-
nt in the manner they wished, they got the nabob to sign
, and then sent it to me." In the same letter, he asserts,
at these people have the nabob entirely in their power.

Now, I have only to remark to your lordships, that the
st and immediate operation of Mr. Hastings's regulation,
hich put every thing into the hands of this wicked woman
r her corrupt purposes, was, that the office of chief justice
as trampled upon and depraved, and made use of to plun-
r the company of money, which was appropriated to their
vn uses; and that the person, ostensibly holding this office
as forced to become the instrument in the hands of this
icked woman and her two wicked eunuchs. This then
as the representation which the chief justice made to Mr.
astings, as one of the very first fruits of his new arrange-
ent. I am now to tell you what his next step was. This
me Mr. Hastings, who had made the nabob master of every
ing, and placed every thing at his disposal, who had main-
ined that the nabob was not to act a secondary part, and to
a mere instrument in the hands of the company, who had,
you have seen, revived the nabob, now puts him to death
ain. He pretends to be shocked at these proceedings of
e nabob, and not being able to prevent their coming before
e council of the directors at home, he immediately took
dder ul Hoe Khân under his protection.

Now your lordships see Mr. Hastings appearing in his own
aracter again; exercising the power he had pretended to
dicate, whilst the nabob sinks and subsides under him.

He becomes the supporter of Sudder ul Hoe Khân, now that the infamy of the treatment he received could no longer be concealed from the council. On the 1st of September, 1778, the governor informs the nabob, "that it is highly expedient that Sudder ul Hoe Khân should have full control in all matters relative to his office, and the sole appointment and dismission of the sudder and mofussal officers; and that his seal and signature should be authentic to all papers having relation to the business entrusted to him; I therefore intimate to you, that he should appoint and dismiss all the officers under him, and that your excellency should not interfere in any one."

The nabob, in a letter to the governor, received the 3d of September, 1778, says, "Agreeably to your pleasure, I have relinquished all concern with the affairs of the fouzdarry and adowlet, leaving the entire management in Sudder ul Hoe Khân's hands."—Here you see the nabob again reduced to his former state of subordination. This chief justiceship, which was declared to be his inherent right, he is obliged to submit to the control of Mr. Hastings, and to declare that he will not interfere at all in a matter, which Mr. Hastings had declared to be his incommunicable attribute. I do not say, that Mr. Hastings interfered improperly. Certainly it was not fit that the highest court of justice in all Bengal should be made the instrument of the rapacity of a set of villains, with a prostitute at their head; just as if a gang of thieves in England, with their prostitutes at their head, should seize the judge which ought to punish them, and endeavor to make use of his name in their iniquitous transactions. But your lordships will find that Mr. Hastings is here acting a merely ostensible part, and that he has always a means of defeating privately what he declares publicly to be his intention. Your lordships will see soon how this ended. Mr. Hastings gets the nabob to give up all his authority over the chief justice; but he says not one word of Munny Begum, the person who

e real authority in her hands, and who was not for-
to interfere with him.—Mr. Hastings's order is dated
September, 1778. On the 3d of September, the na-
said to have relinquished all concern with Sudder ul
Khân. In a letter received the 30th of September,
s about 27 days after the date of Mr. Hastings's order,)
ill see how this pretended order was managed. Sudder
Khân thus writes in a letter received the 30th of
aber :—"Yattibar Ali Khân, (Munny Begum's chief
,) from the amount of salaries of the officers of the
t and fouzdarry, which before my arrival he had re-
for two months from the sircar, made disbursements
ng to his own pleasure. He had before caused the sum
0 rupees, on account of the price of mine and my
rs kelants to be carried to account, and now continu-
nds a man to demand from me 4,300 and odd rupees,
lance of the price of kelants, and constantly presses
take it from the amount of the salaries of the officers
adowlet and fouzdarry and send it to him, and I
e under the necessity of complying. I mention this
r information."

lords, you see again how Mr. Hastings's pretended
were obeyed; they were orders addressed to the nabob,
he knew to be nothing, and who could neither con-
take the least share in the execution of them; but he
the thing loose as to Munny Begum and her eunuchs,
e knew, could alone carry them into effect. Your lord-
se that the first use made of the restored authority of
ob was, under various pretences, to leave the salaries
officers of government unprovided for; to rob the
treasury, and to give the company's money to the eu-
who were acting in the manner I have stated to you.
mation of these proceedings reaches Calcutta;—a
complaint from a person in the highest situation in
ernment is made, and the governor-general is obliged

again to take up the matter; and I shall now read to your lordships, a letter of the 10th of October, 1778, which contains a representation, so pointed and so very just, of the fatal effects which his interference in the administration of justice had produced, as not to stand in need of any comment from me. It speaks too plainly to require any.

The governor-general's letter to the nabob:—"At your excellency's request, I sent Sudder ul Hoe Khân, to take on him the administration of the affairs of the adowlet and fouzdarry, and hoped by that means not only to have given satisfaction to your excellency, but that though his abilities and experience, these affairs would have been conducted in such manner, as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the fouzdarry and adowlet are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them; I therefore addressed your excellency, on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them: in reply to which your excellency expressed sentiments coincident with mine; notwithstanding which your dependants and people, actuated by selfish and avaricious views, have by their interference so impeded the business, as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your excellency will give the strictest injunctions to all your dependants not to interfere in any manner with any matter relative to the affairs of the adowlet and fouzdarry, and that you will yourself relinquish all interference therein, and leave them entirely to the manage-

nent of Sudder ul Hoe Khân. This is absolutely necessary o restore the country to a state of tranquillity, and if your xcellency has any plan to propose for the management of ffairs in future, be pleased to communicate it to me, and very attention shall be paid to give your excellency satisaction."

My lords, I think I have read enough to you for our resent purpose; referring your lordships for fuller informaion to your minutes, page 1086, which I beg you to read vith the greatest attention.

I must again beg your lordships to remark, that though Mr. Hastings has the impudence still to pretend, that he vishes for the restoration of order and justice in the country, yet, instead of writing to Munny Begum upon the business, whom he knew to be the very object complained of, and whose eunuchs are expressly mentioned in the complaint, he vrites to the nabob, whom he knew to be a pageant in his own court and government, and whose name was not even nentioned in this last complaint. Not one word is said, even in this letter to the nabob, of Munny Begum or of her unuchs. My lords, when you consider his tacit support of he authors of the grievance, and his ostensible application or redress to the man, who, he knew, never authorized and ould not redress the grievance; you must conclude that he neant to keep the country in the same state for his own corupt purposes. In this state the country in fact continued; Munny Begum and her eunuchs continued to administer and quander the company's money, as well as the nabob's; obberies and murders continued to prevail throughout the ountry. No appearance was left of order, law, or justice, from one end of Bengal to the other.

The account of this state of things was received by the court of directors, with horror and indignation; on the 27th of May, 1779, they write, as you will find in page 1063 of your printed minutes, a letter to their government at Calcut-

ta, condemning their proceedings and the removal of Mahomed Reza Khân; and they order that Munny Begum shall be displaced, and Mahomed Reza Khân restored again to the seat of justice.

Mr. Francis, upon the arrival of these reiterated orders, moved in council for an obedience to them. Mr. Hastings, notwithstanding he had before his eyes all the horrible consequences that attended his new arrangement, still resists that proposition. By his casting voice in the council he counterorders the orders of the court of directors, and sanctions a direct disobedience to their authority, by a resolution that Mahomed Reza Khân should not be restored to his employment, but that this Sudder ul Hoe Khân, who still continued in the condition already described, should remain in the possession of his office. I say nothing of Sudder ul Hoe Khân; he seems to be very well disposed to do his duty, if Mr. Hastings's arrangements had suffered him to do it; and indeed if Mahomed Reza Khân had been reinstated and no better supported by Mr. Hastings than Sudder ul Hoe Khân he could, probably, have kept the country in no better order, though perhaps his name, and the authority and weight which still adhere to him in some degree, might have had some influence.

My lords, you have seen his defiance of the company; you have seen his defiance of all decency; you see his open protection of prostitutes and robbers of every kind ravaging Bengal; you have seen this defiance of the authority of the court of directors, flatly, directly, and peremptorily persisted in, to the last. Order after order was reiterated, but his disobedience arose with an elastic spring in proportion to the pressure that was upon it.

My lords, here there was a pause. The directors had been disobeyed; and you might suppose that he would have been satisfied with this act of disobedience. My lords, he was resolved to let the native governments of the country know that he despised the orders of the court of directors, and that

whenever he pretended to obey them, in reality he was resolved upon the most actual disobedience. An event now happened, the particulars of which we are not to repeat here: disputes conducted on Mr. Francis's side, upon no other principle, that we can discover, but a desire to obey the company's orders, and to execute his duty with fidelity and disinterestedness, had arisen between him and Mr. Hastings. Mr. Francis, about the time we have been speaking of, finding resistance was vain, reconciles himself to him; but on the most honorable terms as a public man, namely, that he should continue to follow and obey the laws, and to respect the authority of the court of directors. Upon this reconciliation it was agreed, that Mahomed Reza Khân should be restored to his office. For this purpose Mr. Hastings enters a minute, and writes to the nabob an ostensible letter. But your lordships will here see an instance of what I said, respecting a double current in all Mr. Hastings's proceedings. Even when he obeys or pretends to obey the company's orders, there is always a private channel through which he defeats them all.

Letter from Mr. Hastings to the nabob Mobarick ul Dowah, written the 10th of February, 1780.—"The company, whose orders are peremptory, have directed that Mahomed Reza Khân shall be restored to the offices he held in January, 1778; it is my duty to represent this to your excellency, and to recommend your compliance with their request, that Mahomed Reza Khân may be invested with the offices assigned to him under the nizamut by the company.

Your lordships see here that Mr. Hastings informs the nabob, that having received peremptory orders from the company, he restores and replaces Mahomed Reza Khân. Mahomed Reza Khân then is in possession; and in possession by the best of all titles, the orders of the company. But you will also see the manner in which he evades his duty, and vilifies, in the eyes of these miserable country powers, the

authority of the directors. He is prepared, as usual, with a defeasance of his own act, and the manner in which that defeasance came to our knowledge is this. We know nothing of this private affair, till Mr. Hastings, in his answer before the House of Commons, finding it necessary to destroy the validity of some of his own acts, brought forward Sir John D'Oyley. He was brought forward before us, not as a witness in his own person, for the defence of Mr. Hastings, but as a narrator who had been employed by Mr. Hastings as a member of that council, which, as you have heard, drew up his defence. My lords, you have already seen the public agency of this business, you have heard read the public letter sent to the nabob; there you see the ostensible part of the transaction. Now hear the banyan, Sir John D'Oyley, give an account of his part in it, extracted from Mr. Hastings's defence before the House of Commons.

"I was appointed resident, [at the court of the nabob,] on the resignation of Mr. Byam Martin, in the month of January, 1780, and took charge about the beginning of February, of the same year. The substance of the instructions I received was to endeavor, by every means in my power, to conciliate the good opinion and regard of the nabob and his family, that I might be able to persuade him to adopt effectual measures for the better regulation of his expenses, which were understood to have greatly exceeded his income; that I might prevent his forming improper connections, or taking any steps derogatory to his rank; and by every means in my power support his credit and dignity in the eyes of the world; and with respect to the various branches of his family, I was instructed to endeavor to put a stop to the dissensions which had too frequently prevailed amongst them. The nabob on his part was recommended to pay the same attention to my advice, as he would have done to that of the governor-general in person. Some time, I think in the month of February, of the same year, I received a letter from Mr.

Hastings, purporting that the critical situation of affairs requiring the union and utmost exertion of every member of the government, to give vigor to the acts necessary for its relief, he had agreed to an accommodation with Mr. Francis; but to effect this point he had been under the necessity of making some painful sacrifices, and particularly that of the restoration of Mahomed Reza Khân to the office of naib soubah, a measure which he knew must be highly disagreeable to the nabob; and which nothing but the urgent necessity of the case should have led him to acquiesce in; that he relied on me to state all these circumstances in the most forcible manner to the nabob, and to urge his compliance; assuring him that it should not continue longer than until the next advices were received from the court of directors."

Here Mr. Hastings himself lets us into the secrets of his government. He writes an ostensible letter to the nabob, declaring that what he does is in conformity to the orders of the company. He writes a private letter in which he directs his agent to assure the nabob, that what he had done was not in compliance with the orders of the company, but in consequence of the arrangement he had made with Mr. Francis, which arrangement he thought necessary for the support of his own personal power. His design, in thus explaining the transaction to the nabob, was, in order to prevent the native powers from looking to any other authority than his, and from having the least hopes of redress of their complaints from the justice of this country or from any legal power in it. He therefore tells him, that Mahomed Reza Khân was replaced not in obedience to the orders of the company, but to gratify Mr. Francis. If he quarrels with Mr. Francis, he makes that a reason for disobeying the orders of his masters. If he agrees with him, he informs the people concerned in the transaction privately, that he acts not in consequence of the orders that he has received, but from other motives. But that is not all. He promises that he will take the first opportunity to remove Mahomed Reza Khân from his office

again. Thus the country is to be replunged into the same distracted and ruined state in which it was before. And all this is laid open fully and distinctly before you. You have it on the authority of Sir John D'Oyley. Sir John D'Oyley is a person in the secret; and one man, who is in the secret, is worth a thousand ostensible persons.

Mahomed Reza Khân, I must now tell you, was accordingly reinstated in all his offices, and the nabob was reduced to the situation, as Mr. Hastings, upon another occasion, describes it, of a mere cypher. But mark what followed—mark what this Sir John D'Oyley is made to tell you, or what Mr. Hastings tells you for him; for whether Sir John D'Oyley has written this for Mr. Hastings, or Mr. Hastings for Sir John D'Oyley, I do not know; because they seem, as somebody said of two great friends, that they had but one will, one bed, and one hat between them. These gentlemen who compose Mr. Hastings's council have but one style of writing among them; so that it is impossible for you to determine by which of the masters of this Roman school any paper was written, whether by D'Oyley, by Shore, or by Hastings, or any other of them. They have a style in common; a kind of bank upon which they have a general credit; and you cannot tell to whose account any thing is to be placed.

But to proceed:—Sir John D'Oyley says there, that the nabob is reduced again to a cypher. Now hear what he afterwards says:—"About the month of June, 1781, Mr. Hastings, being then at Moorshedabad, communicated to me his intention of performing his promise to the nabob, by restoring him to the management of his own affairs:"—[that is to say, by restoring Munny Begum again, and by turning out Mahomed Reza Khân.]—Your lordships see that he communicated privately his intentions to Sir John D'Oyley, without communicating one word of them to his colleagues in the supreme council; and without entering any minute in the records of the council, by which it could be known to the directors. Lastly, in order to show you in what manner

nabob was to be restored to his power, I refer your lordps to the order he gave to Sir John D'Oyley, for investiting the nabob's accounts, and for drawing up articles of ıtruction for the nabob's conduct in the management of his airs. You will there see clearly how he was restored; that to say, that he was taken out of the hands of the first ıssulman in that country; the man most capable of adminering justice, and whom the company had expressly orred to be invested with that authority, and to put him into e hands of Sir John D'Oyley. Is Sir John D'Oyley a ıssulman?—Is Sir John D'Oyley fit to be at the head of ch a government? What was there that any person could e about him, that entitled him to, or made him a fit person be entrusted with, this power, in defiance of the company's ders? And yet Mahomed Reza Khân, who was to have e management of the nabob's affairs, was himself put under e most complete and perfect subjection to this Sir John 'Oyley. But, in fact, Munny Begum had the real influence every thing. Sir John D'Oyley himself was only Mr. astings's instrument there to preserve it, and between them ey pillaged the nabob in the most shocking manner, and ust have done so to the knowledge of Mr. Hastings.—A tter written at this time by Mr. Hastings to the nabob dis-ıvers the secret beyond all power of evasion.

"Instructions from the governor-general to the nabob, [obarick ul Dowlah, respecting his conduct in the manage-ıent of his affairs.—9th. These I make the conditions of ıe compliance which the governor-general and council have ielded to your late requisition; it is but just that you ıould possess what is your acknowledged right, but their ıtention would be defeated, and you would be in a worse tuation, if you were to be left a prey without a guide, until ou have acquired experience, (which, to the strength and oodness of your understanding, will be the work but of a ıort period,) to the rapacity, frauds, and artifices of mankind.

You have offered to give up the sum of four lacks of rupees, to be allowed the free use of the remainder of your stipend. This we have refused, because it would be contrary to justice. You should consider this as a proof of the sincerity of the above arrangements which have been recommended to you, and of their expediency to your real interest; and your attention to them will be a means of reconciling the company to the resolution which we have taken, and which will be reported to them, in a light very hurtful both to you and to us, if an improper effect should attend it. These I have ordered Sir John D'Oyley to read in your presence, and to explain them to you, that no part of them may escape your notice; and he has my positive orders, to remonstrate to you against every departure from them. Upon all these occasions, I hope and expect, that you will give him a particular and cordial attention, and regard what he shall say, as if said by myself; for I know him to be a person of the strictest honor and integrity. I have a perfect reliance on him, and you cannot have a more attached or more disinterested counsellor. Although I desire to receive your letters frequently, yet as many matters will occur which cannot so easily be explained by letter as by conversation, I desire that you will on such occasions give your orders to him respecting such points as you may desire to have imparted to me; and I, postponing every other concern, will give you an immediate, and the most satisfactory reply concerning them."

My lords, here is a man who is to administer his own affairs; who has arrived at sufficient age to supersede the counsel and advice of the great Mahomedan doctors, and the great nobility of the country, and he is put under the most absolute guardianship of Sir John D'Oyley. But Mr. Hastings has given Sir John D'Oyley a great character. I cannot confirm it, because I can confirm the character of none of Mr. Hastings's instruments. They must stand forth here, and defend their own character before you.

Your lordships will now be pleased to advert to another circumstance in this transaction; you see here £40,000 a year offered by this man for his redemption. I will give you, he says, £40,000 a year to have the management of my own affairs. Good heavens! Here is a man who, according to Mr. Hastings's assertion, had an indisputable right to the management of his own affairs, but at the same time was notoriously so little fit to have the management of them as to be always under some corrupt tyranny or other, offers £40,000 a year out of his own revenues, to be left his own master, and to be permitted to have the disposal of the remainder—judge you of the bribery, rapine, and peculation, which here stare you in the face;—judge of the nature and character of that government, for the management of which £40,000 out of £160,000 a year of its revenue, is offered by a subordinate to the supreme authority of the country. This offer shows, that at this time the nabob had it not himself. Who had it? Sir John D'Oyley; he is brought forward as the person to whom is given the management of the whole. Munny Begum had the management before: but, whether it be an Englishman, a Mussulman, a white man, or a black man, a white woman, or a black woman, it is all Warren Hastings.

With respect to the four lacks of rupees, he gets Sir John D'Oyley, in the narrative that he makes before the House of Commons, positively to deny, in the strongest manner, and he says the nabob would give oath of it, that the nabob never gave a commission to any one to make such an offer. That such an offer was made, had been long published and long in print, with the remarks such as I have made upon it, in the ninth report of the select committee: that the committee had so done was well known to Mr. Hastings and Sir John D'Oyley; not one word on the part of Mr. Hastings, not one word on the part of Sir John D'Oyley, was said to contradict it, until the appearance of the latter before the House of Commons. But, my lords, there is something much more serious

in this transaction. It is this, that the evidence produced by Mr. Hastings, is the evidence of witnesses who are mere phantoms; they are persons who could not, under Mr. Hastings's government, eat a bit of bread but upon his own terms, and they are brought forward to give such evidence as may answer his purposes.

You would naturally have imagined, that in the House of Commons, where clouds of witnesses had been before produced by the friends and agents of Mr. Hastings, he would then have brought forward Sir John to contradict this reported offer; but not a word from Sir John D'Oyley; at last he is examined before the committee of managers; he refuses to answer. Why? Because his answers might criminate himself. My lords, every answer that most of them have been required to make, they are sensible they cannot make, without danger of criminating themselves; being all involved in the crimes of the prisoner. He has corrupted and ruined the whole service; there is not one of them that dares appear and give a fair and full answer, in any case, as you have seen in Mr. Middleton and many others, at your bar.—"I will not answer this question," they say, "because it tends to criminate myself." How comes it that the company's servants are not able to give evidence in the affairs of Mr. Hastings, without its tending to criminate themselves?

Well—Sir John D'Oyley is in England; why is he not called now? I have not the honor of being intimately acquainted with him, but he is a man of a reputable and honorable family. Why is he not called by Mr. Hastings to verify the assertion, and why do they suffer this black record to stand before your lordships to be urged by us, and to press it as we do against him? If he knows that Sir John D'Oyley can acquit him of this part of our accusation, he would certainly bring him as a witness to your bar; but he knows he cannot. When, therefore, I see upon your records, that Sir John D'Oyley and Mr. Hastings received such an offer for the redemption of the nabob's affairs out of their hands, I

iclude first, that at the time of this offer the nabob had the disposal of his own affairs; and secondly, that those, o had the disposal of them, disposed of them so corruptly l prodigally, that he thought they could hardly be re- med at too high a price. What explanation of this mat- has been attempted? There is no explanation given of it ll. It stands clear, full, bare in all its nakedness before ı. They have not attempted to produce the least evidence inst it. Therefore, in that state I leave it with you, and ıall only add, that Mr. Hastings continued to make Munny ;um the first object of his attention; and that, though he ld not entirely remove Mahomed Reza Khân from the : of justice, he was made a cypher in it. All his other :es were taken out of his hands and put into the hands of John D'Oyley, directly contrary to the orders of the com- y, which certainly implied the restitution of Mahomed :a Khân to all the offices which he had before held. He : stripped of every thing but a feeble administration of ice, which, I take for granted, could not, under the cir- ıstances, have been much better in his hands, than it had ı in Sudder ul Hoe Khân's.

Ir. Hastings's protection of this woman continued to the ; and when he was going away, on the 3d of November, 3, he wrote a sentimental letter to the court of directors er praise. This letter was transmitted without having ı communicated to the council. You have heard of deli- affidavits; here you have a sentimental official despatch. ır lordships will find it in page 1092 and 1093 of your ted minutes. He writes in such a delicate, sentimental n of this woman, that I will venture to say you will not in all the Arcadia, in all the novels and romances that were published, an instance of a greater, a more con- t, and more ardent affection, defying time, ugliness, and ıge, did ever exist, than existed in Mr. Hastings towards old woman, Munny Begum. As cases of this kind, cases allantry abounding in sentimental expressions, are rare in

the company's records, I recommend it as a curiosity to your lordships' reading, as well as a proof of what is the great spring and movement of all the prisoner's actions. On this occasion he thus speaks of Munny Begum.

"She too became the victim of your policy, and of the resentments which succeeded. Something too she owed of the source of her misfortunes to the belief of the personal gratitude, which she might entertain for the public attention which I have shown to her; yet exposed as she was to a treatment, which a ruffian would have shuddered at committing, and which no recollection of past enmities shall compel me to believe, even for a moment, proceeded from any commission of authority, she still maintained the decorum of her character; nor even then, nor before, nor since that period, has the malice of calumny ever dared to breathe on her reputation."

Delicate! sentimental!—"Pardon, honorable sirs, this freedom of expostulation; I must in honest truth repeat, that your commands laid the first foundation of her misfortunes; to your equity she has now recourse through me for their alleviation, that she may pass the remainder of her life in a state which may at least efface the remembrance of the years of her affliction; and to your humanity she and an unseen multitude of the most helpless of her sex cry for subsistence."

Moving and pathetic!—I wish to recommend every word of this letter to your lordships' consideration, as a model and pattern of perfection. Observe his pity for a woman who had suffered such treatment from the servants of the company (a parcel of ruffians)—treatment that a ruffian would be ashamed of! Your lordships have seen, in the evidence, what this ruffianism was. It was neither more nor less than what was necessary in order to get at the accounts, which she concealed, as his own corrupt transactions. She was

told, indeed, that she must privately remove to another house, whilst her papers were examining. Mr. Hastings can never forget this. He cannot believe that any body dare send such an order, and he calls upon you to consider the helplessness of their sex, and the affronts offered to women.

For heavens' sake, my lords, recollect the manner in which Mr. Hastings and his creatures treated the begums of Oude, and consider that this woman was only threatened, (for the threat was never attempted to be executed,) that she must, if she did not deliver up the accounts, probably be removed to another house, and leave the accounts behind her. This blot can never be effaced; and for this he desires the court of directors to make her a large allowance to comfort her in her old age. In this situation, Mr. Hastings leaves her. He leaves in the situation I have described the justice of the country. The only concern he has at parting is, that this woman may have a large allowance.

But I have yet to tell your lordships, and it appears upon your printed minutes, that this woman had a way of comforting herself:—for old ladies of that description, who have passed their youth in amusements, in dancing, and in gallantries, in their old age are apt to take comfort in brandy. This lady was a smuggler, and had influence enough to avoid payment of the duty on spirits, in which article she is the largest dealer in the district; as indeed she is in almost every species of trade. Thus your lordships see that this sentimental lady, whom Mr. Hastings recommends to the directors, had ways of comforting herself. She carried on, notwithstanding her dignity, a trade in spirits. Now a Mahomedan of distinction never carries on any trade at all; it is an unknown thing; very few Mahomedans of any rank carry on any trade at all; but that a Mahomedan should carry on a trade in spirits is a prodigy, never heard of before; for a woman of quality, for a woman of sentiment, to become a dealer in spirits is, my lords, a thing reserved for the sentimental age of Mr. Hastings; and I will venture to say, that no man or woman could

attempt any such trade in India, without being dishonored, ruined in character, and disgraced by it. But she appears not only to have been a dealer in it, but, through the influence which Mr. Hastings gave her, to have monopolized the trade in brandy, and to have evaded the duties. This then is the state in which we leave the two sentimental lovers, the one consoling herself with brandy, the other wheedling, and whining; and, as Swift describes the progress of an intrigue in some respects similar, which he calls the *progress of love*, whereas this is the progress of sentiment,

> "They keep at Staines the Old Blue Boar,
> Are cat and dog, and rogue and whore."

Here they set up the sign of the Old Blue Boar. Munny Begum monopolizes the trade in spirits; and hence she and Mr. Hastings commence their sentimental correspondence. And now having done with this progress of love, we return to the progress of justice.

We have seen how Sudder ul Hoe Khân, the chief justice of Mr. Hastings's own nomination, was treated. Now you shall see how justice was left to shift for herself under Mahomed Reza Khân. In page 1280 of your lordships' minutes, you will see the progress of all these enormities, of Munny Begum's dealing in spirits, of her engrossing the trade, of her evading duties, and lastly, the extinction of all order in that country and the funeral of justice itself. Mr. Shore's evidence respecting this state of the country will admit of no doubt.

Mr. Shore's remarks accompanying the governor-general's minutes of the 18th May, 1785. "Fouzdarry jurisdiction.—Of the fouzdarry jurisdiction nothing has yet been said. In this department criminal justice is administered, and it is the only office left to the nabob.—I do not see any particular reason for changing the system itself, and perhaps it would on many accounts be improper; but some regulations are highly necessary. Mahomed Reza is at the head of this department, and is the only person I know in the country quali-

fied for it. If he were left to himself, I have not a doubt but he would conduct it well; but he is so circumscribed by recommendations of particular persons, and by the protection held out to his officers by Europeans, that to my knowledge he has not been able to punish them, even when they have been convicted of the greatest enormities; and he has often on this account been blamed, where his hands were tied up."

My lords, you now see in this minute of Sir John Shore, now governor-general of Bengal, one of Mr. Hastings's own committee for drawing up his defence, the review which he had just then taken of the ruins of the government, which had been left to him by Mr. Hastings. You see here not the little, paltry things, which might deserve in their causes the animadversion of a rough satirist, like Doctor Swift, whom I have just quoted; but you see things ten thousand times more serious; things that deserve the thunderbolt of vindictive justice upon the head of the prisoner at your bar. For you see that after he had ostensibly restored Mahomed Reza Khân, the man who could and would have executed his office with fidelity and effect, the man who was fit for and disposed to do his duty, there was still neither law, order, nor justice in the country. Why? Because of the interposition of Europeans, and men who must have been patronized and supported by Europeans. All this happened before Mr. Hastings's departure; so that the whole effect of the new arrangement of government was known to him before he left Calcutta. The same pretended remedy was applied. But in fact he left this woman in the full possession of her power. His last thoughts were for her; for the justice of the country, for the peace and security of the people of Bengal, he took no kind of care; these great interests were left to the mercy of the woman and her European associates.

My lords, I have taken some pains in giving you this history. I have shown you his open acts and secret stratagems, in direct rebellion to the court of directors; his double gov-

ernment, his false pretences of restoring the nabob's independence, leading in effect to a most servile dependence, even to the prohibition of the approach of any one, native or European, near him, but through the intervention of Sir John D'Oyley.—I therefore again repeat it, that Sir John D'Oyley, and the English gentlemen who were patronized and countenanced by Mr. Hastings, had wrought all that havoc in the country before Mr. Hastings left it.

I have particularly dwelt upon the administration of justice, because I consider it as the source of all good; and the mal-administration of it, as the source of all evil in the country. Your lordships have heard how it was totally destroyed by Mr. Hastings through Sir John D'Oyley, who was sent there by him for the purpose of forming a clandestine government of corruption and peculation. This part of our charge speaks for itself; and I shall dismiss it with a single observation; that not the least trace of an account of all these vast sums of money, delivered into the hands of Sir John D'Oyley for the use of the nabob, appears in any part of the company's records. The undeniable inferences to be drawn from this fact are first, that wherever we find concealment of money and the ceasing of an account, there has been fraud:—and secondly, that if we find this concealment accompanied with the devastation of a country, and the extinction of justice in it, that devastation of the country and that extinction of justice have been the result of that fraudulent peculation.

I am sure your lordships will not think that a charge of the annihilation of administrative justice, in which the happiness and prosperity of a great body of nobility, of numerous, ancient, and respectable families, and of the inhabitants in general of extensive and populous provinces are concerned, can, if it stood single and alone, be a matter of trifling moment. And in favor of whom do all these sacrifices appear to have been made? In favor of an old prostitute; who, if shown to your lordships here, like Helen to

the counsellors of Troy, would not, I think, be admitted to have charms that could palliate this man's abominable conduct; you would not cry out with them—

"Οὐ τέμεσις,——
Τοιῇ δ' αμφὶ γυναικὶ πολὺν χρόνον ἄλγεα πασχειν."

For I will fairly say, that there are some passions that have their excuses; but the passion towards this woman was the passion of avarice and rapacity only,—a passion indeed which lasted to the end of his government, and for which he defied the orders of the court of directors, rebelled against his masters, and finally subverted the justice of a great country.

My lords, I have done with this business. I come next to the third division of the natives, those who form the landed interest of the country. A few words only will be necessary upon this part of the subject. The fact is, that Mr. Hastings, at one stroke, put up the property of all the nobility and gentry, and of all the freeholders—in short, the whole landed interests of Bengal, to a public auction, and let it to the highest bidder. I will make no observations upon the nature of this measure to your lordships, who represent so large a part of the dignity, together with so large a part of the landed interest of this kingdom; though, I think, that, even under your lordships' restrictive order, I am entitled so to do; because we have examined some witnesses upon this point, in the revenue charge. Suffice it to say, that it is in evidence before your lordships, that this sale was ordered. Mr. Hastings does not deny it. He says, indeed, he did it, not with an ill intention. My answer is, that it could have been done with no other than a bad intention. The owners of the land had no way left to save themselves but to become farmers of their own estates, and from the competition which naturally took place, and he himself declared, that the persons, whether owners or strangers, to whom he let the lands, had agreed to rents which surpassed their abilities to pay. I need not tell you, what must have been the conse-

quence, when it got into such rapacious hands, and was taken out of the hands of its natural proprietors; that the public revenue had sunk and lost by it; and that the country was wasted and destroyed. I leave it to your lordships' own meditation and reflection; and I shall not press it one step further, than just to remind you of what has been so well opened and pressed by my fellow managers. He, Mr. Hastings, confesses, that he let the lands to his own banyans; he took his own domestic servants and put them in the houses of the nobility of the country; and this he did in direct violation of an express order made by himself, that no banyan of a collector (the spirit of which order implied ten thousand times more strongly the exclusion of any banyans of a governor-general) should have any one of those farms. We also find, that he made a regulation, that no farmers should rent more than a lack of rupees; but at the same time we find his banyans holding several farms to more than that amount. In short, we find, that in every instance where, under some plausible pretence or other, the fixed regulations are violated, it touches him so closely as to make it absolutely impossible not to suppose that he himself had the advantage of it.

For, in the first place, you have proof that he does take bribes, and that he has corrupt dealings. This is what he admits; but he says, that he has done it from public-spirited motives. Now there is a rule formed upon a just, solid presumption of law, that if you find a man guilty of one offence contrary to known law, whenever there is a suspicious case against him of the same nature, the *onus probandi* that he is not guilty is turned upon him. Therefore, when I find the regulations broken, when I find farms given of more than a lack of rupees, when I find them given to the governor-general's own banyan, contrary to the principle of the regulation—contrary, I say, in the strongest way to it; when I find that he accumulates farms beyond the regulated number; when I find all these things done, and besides that the banyan has great balances of account against him, then,

presumption of law, I am bound to believe that all
ıs done not for the servants, but for the master.
possible Mr. Hastings might really be in love with
· Begum ; be it so—many great men have played the
ır prostitutes, from Mark Antony's days downwards ;
man ever fell in love with his own banyan. The per-
r whom Mr. Hastings was guilty of all this rapine and
ıion have neither relations nor kindred whom they
nor does any trace of friendship exist among them ;
ɔ not live in habits of intimacy with any one ; they
ɔd fellows and bottle companions.
ıst now proceed to observe upon another matter, which
ɜn stated to your lordships—namely, that as soon as he
ɔd the majority in the council (that beginning of all
hat opening of Pandora's box) by the death of Gene-
vering and Colonel Monson, the first thing he did was
ɔint a commission, called an *aumeeny*, to go through
hole country, to enter every man's house, to examine
e deeds, and to demand his papers of accounts of every
or the purpose of enabling himself to take advantage
hopes and fears of all the parties concerned, and thus
ge and destroy all their property.
whom does he place at the head of this commission
he manager of the whole affair? Gunga Govin Sing,
r banyan of his, and one of his own domestic servants.
ve have discovered lately, and not without some sur-
for though I knew he kept a rogue in his house, yet
ıot think that it was a common receptacle of thieves
ɔbbers.—I did not know till lately, that this Gunga
Sing was his domestic servant ; but Mr. Hastings, in
r to the court of directors, calls him his faithful do-
servant, and as such calls upon the company to reward
To this banyan all the company's servants are made
t ; they are bound to obey all his orders, and those of
nmittee. I hope I need not tell your lordships what
stuff this committee was made of, by which Gunga

Govin Sing was enabled to ravage the whole country. But, say his counsel, Mr. Hastings thought that the value of the lands was thoroughly known; they had been investigated three times over, and they were all let by public auction to the highest bidder. This may or may not be a true test of their value: but it is a test which, as it led to the almost entire confiscation of the landed interest of Bengal, Bahar, and Orissa, three great kingdoms, by a dash of that man's pen, into the hands of his banyans and creatures, I can never think of it, or of its author, without horror.

Some people say you ought to hate the crime and love the criminal. No; that is the language of false morality; you ought to hate the crime and the criminal, if the crime is of magnitude. If the crime is a small one, then you ought to be angry with the crime and reluctant to punish the criminal; but when there are great crimes, then you may hate them together. What! Am I to love Nero? To fall in love with Heliogabalus? Is Domitian to be the subject of my affection? No; we hate the crime and we hate the criminal ten times more; and if I use indignant language, if I use the language of scorn and horror with respect to the criminal, I use the language that becomes me.

But, says one of the counsel, the company might possess a knowledge of the country in general, but they could not know every beegah of it, (about the third part of an acre of land,) without such a commission. That is to say, you could not squeeze every thing out of the people, without ordering such a villain as Gunga Govin Sing, (I call things by their names,) that most atrocious and wicked instrument of the most atrocious and wicked tyranny, to examine every man's papers—to oblige every man to produce his titles and accounts upon pain of criminal punishment, to be inflicted at the discretion of this commissioner, this Gunga Govin Sing. For an account of these acts, and for a description of an aumeeny, I refer your lordships to the evidence in your minutes, from page 1287 to 1301, and I pass

on, expressing only my horror and detestation at it, and wishing to kindle in your lordships' minds the same horror and detestation of it.

Thus you see, that Mr. Hastings was not satisfied with a confiscation only. He comes just afterwards with a blister upon the sore. He lets loose another set of ravagers and inquisitors upon them, under Gunga Govin Sing, and these poor people are ravaged by the whole tribe of Calcutta banyans.

Mr. Hastings has himself defined an aumeen in page 1022, where he states that Nundcomar desired him to make his son an aumeen. "The promise which he (Nundcomar) says I made him, that he should be constituted aumeen, that is, inquisitor-general over the whole country, and that I would delegate to him my whole power and influence, is something more than a negative falsehood." He justly and naturally reprobates the proposition of appointing an inquisitor-general over the whole country; and yet we see him afterwards appointing Gunga Govin Sing such an inquisitor-general over the whole country, in order that a beegah of land should not escape him.

Let us see how all this ended, and what it is that leads me directly to the presumption of corruption against him in this wicked *aumeeny* scheme. Now I will admit the whole scheme to have been well intended; I will forgive the letting all the lands of Bengal by public auction; I will forgive all he has done with regard to his banyans; I shall forgive him even this commission itself, if he will show your lordships, that there was the smallest use made of it, with regard to the settlement of the revenues of the company. If there was not, then there is obviously one use only that could be made of it, namely, to put all the people of the whole country under obedience to Gunga Govin Sing. What then was done? Titles and accounts were exacted; the estimate was made, acre by acre; but we have not been able to find one word on their records of any return that was made to the company of this investigation, or of any settlement or assess-

ment of the country founded upon it, or of any regulation that was established upon it. Therefore, as an honest man, who is standing here for the Commons of Great Britain, I must not give way to any idle doubts and ridiculous suppositions. I cannot, I say, entertain any doubts, that the only purpose it was designed to answer was, to subject the whole landed interest of the country to the cruel inquisition of Gunga Govin Sing, and to the cruel purposes of Mr. Hastings. Show me another purpose, and I will give up the argument; for if there are two ways of accounting for the same act, it is possible it may be attributed to the better motive; but when we see that a bad thing was done under pretence of some good, we must attach a bad motive to it if the pretence be never fulfilled.

I have now done with the landed interest of Bengal. I have omitted much, which might have been pressed upon your lordships, not from any indisposition to remark upon the matter more fully, but because it has been done already by abler persons. I only wished to make some practical inferences, which, perhaps, in the hurry of my brother managers might possibly have escaped them; I wished to show you that one system of known or justly presumed corruption pervades the whole of this business, from one end to the other. Having thus disposed of the native landed interest, and the native zemindars or land-holders of the country, I pass to the English government.

My lords, when we have shown plainly the utter extinction of the native Mahomedan government; when we have shown the extinction of the native landed interest; what hope can there be for that afflicted country, but in the servants of the company? When we have shown the corrupt state of that service, what hope but from the court of directors? What hope but in the superintending control of British tribunals? I think as well of the body of my countrymen as any man can do. I do not think that any man, sent out to *India*, is sent with an ill purpose, or goes out with bad dispo-

itions. No. I think the young men who go there are fair nd faithful representatives of the people of the same age; ncorrupted, but corruptible from their age, as we all are. 'hey are sent there young. There is but one thing held out) them—You are going to make your fortune. The com- any's service is to be the restoration of decayed noble milies; it is to be the renovation of old and the making of ew ones. Now when such a set of young men are sent ut with these hopes and views, and with little education or very imperfect one; when these people, from whatever nk of life selected; many from the best; most from the iddling; very few from the lowest; but high, middling, r low, they are sent out to make two things coincide, which ie wit of man was never able to unite—to make their for- ne and form their education, at once. What is the educa- ion, of the generality of the world? Reading a parcel of ooks? No. Restraint of discipline, emulation, examples f virtues and of justice, form the education of the world. f the company's servants have not that education, and are ft to give loose to their natural passions, some would be orrupt of course, and some would be uncorrupt; but prob- bly the majority of them would be inclined to pursue mod- rate courses between these two. Now I am to show you hat Mr. Hastings left these servants but this alternative—be tarved; be depressed; be ruined; disappoint the hopes of our families: or be my slaves; be ready to be subservient o me in every iniquity I shall order you to commit, and to onceal every thing I shall wish you to conceal. This was he state of the service; therefore the Commons did well and visely, when they sent us here not to attack this or that ervant who may have peculated; but to punish the man who was sent to reform abuses, and to make Bengal furnish o the world a brilliant example of British justice. I shall ow proceed to state briefly the abuses of the company's overnment; to show you what Mr. Hastings was expected o do for their reformation; and what he actually did do; I hall *then show your lordships* the effects of the whole.

I shall begin by reading to your lordships an extract from the directors' letter to Bengal, of the 7th April, 1773;—"We wish we could refute the observation, that almost every attempt, made by us and our administrations at your presidency for the reforming of abuses, has rather increased them, and added to the miseries of the country we are anxious to protect and cherish. The truth of this observation appears fully in the late appointment of supervisors and chiefs—instituted as they were, to give relief to the industrious tenants, to improve and enlarge our investments, to destroy monopolies, and retrench expenses, the end has by no means been answerable to the institution. Are not the tenants more than ever oppressed and wretched? Are our investments improved? Have not the raw silk and cocoons been raised upon us fifty per cent. in price? We can hardly say what has not been made a monopoly; and as to the expenses of your presidency, they are at length settled to a degree we are no longer able to support. These facts (for such they are) should have been stated to us as capital reasons, why neither our orders of 1771, nor indeed any regulations whatever, could be carried into execution. But, perhaps, as this would have proved too much, it was not suggested to us; for nothing could more plainly indicate a state of anarchy, and that there was no government existing in our servants at Bengal.

"And therefore, when oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves, that dadney merchants do not come forward to contract with the company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear, and of a debased quality.

"It is evident then that the evils, which have been so destructive to us, lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of

those evils, and we are happy in having reason to believe that in every just and necessary regulation, we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the company's prosperity.

"In order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our governor and council must reassume and exercise their delegated powers upon every just occasion; punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which, to the reproach of government, prevailed in Bengal. Our president, Mr. Hastings, we trust, will set the example of temperance, economy, and application; and upon this, we are sensible, much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings's services upon the coast of Choromandel, in constructing, with equal labor and ability, the plan which has so much improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he, in return, may depend on the steady support and favor of his employers.

"Your settlement being thus put into a train of reform, (without which indeed all regulations will prove ineffectual,) you are next to revert to the old system, when the business of your presidency was principally performed by our own servants, who then had knowledge of our investments, and every other department of our concerns; you will therefore fill the several offices with the factors and writers upon your establishment; for with our present appointments, we are assured there will be sufficient for this purpose; and thus you will banish idleness, and its attendants, extravagance and dissipation. And here we enjoin you to transmit to us a faithful and minute state of the pay, and every known emolument of all below council; for as it is notorious that even youths in our service expend in equipage, servants, dress, and

living, infinitely more than our stated allowances can afford, we cannot but be anxious to discover the means, by which they are enabled to proceed in this manner. And indeed so obnoxious is this conduct to us, and so injurious in its consequences, that we expect and require you to show your displeasure to all such as shall transgress in this respect, contrasting it at the same time with instances of kindness towards the sober, frugal, and industrious."

My lords, you see the state in which the directors conceived the country to be—that it was in this state is not denied by Mr. Hastings, who was sent out for the purpose of reforming it. The directors had swept away almost the whole body of their Bengal servants for supposed corruption; and they appointed a set of new ones, to regenerate, as it were, the government of that country. Mr. Hastings says,—I was brought to India like other people. This indeed, is true; and I hope it will prove an example and instruction to all mankind, never to employ a man who has been bred in base and corrupt practices, from any hope that his local knowledge may make him the fittest person to correct such practices. Mr. Hastings goes on to say, that you could not expect more from him than could be done by a man bred up as he was, in the common habits of the country. This is also true. My lords, you might as well expect a man to be fit for a perfumer's shop, who has lain a month in a pig's sty, as to expect that a man, who has been a contractor with the company for a length of time, is a fit person for reforming abuses. Mr. Hastings has stated in general his history, his merits, and his services; we have looked over with care the records relative to his proceedings, and we find that in 1760 and 1761 he was in possession of a contract for bullocks, and a contract for provisions. It is no way wrong for any man to take a contract, provided he does not do what Mr. Hastings has condemned in his regulations; become a contractor with his masters.

But though I do not bear upon Mr. Hastings for having spent his time in being a bullock contractor, yet I say, that he ought to have laid aside all the habits of a bullock contractor, when he was made a great minister for the reformation of a great service full of abuses. I will show your lordships that he never did so; that, on the contrary, being bred in those bad habits, and having had the education that I speak of, he persevered in the habits which had been formed in him, to the very last. I understand it has been imputed as a sort of a crime in me, that I stated something of the obscurity of Mr. Hastings's birth. The imputation has no foundation. Can it be believed that any man could be so absurd as to attack a man's birth, when he is accusing his actions? No; I have always spoken of the low, sordid, and mercenary habits in which he was bred; I said nothing of his birth.

But, my lords, I was a good deal surprised when a friend of his and mine, yesterday morning, put into my hands, who had been attacking Mr. Hastings's life and conduct, a pedigree. I was appealing to the records of the company; they answer, by sending me to the Herald's Office. Many of your lordships' pedigrees are obscure, in comparison with that of Mr. Hastings, and I only wonder how he came to derogate from such a line of nobles, by becoming a contractor for bullocks.

A man may be an honest bullock contractor; God forbid that many of them in this country should not be very honest; but I find his terms were nearly four times as high as those which the House of Commons had condemned as exorbitant; they were not only unusually high, but the bullocks were badly supplied, and the contract had not been fairly advertised. It was therefore agreed to declare the same void at the expiration of twelve months, on the 1st December, 1763.

I say again, that I do not condemn him for being a bullock contractor, but I am suspicious of his honesty; because he has been nursed in bad and vicious habits. That of contracting with his masters is a bad habit, as he himself has

stated in a record which is printed by the House of Commons. I condemn him for being a fraudulent bullock contractor; for he was turned out of that contract for fraudulent practices; it was declared void, and given to another at a lower price. After it was so disposed of, Mr. Hastings himself, condemning his own original contract, which was at twelve rupees, for a certain species of bullocks, took the contract again at seven; and on these terms it continued. What I therefore contend for is this, that he carried with him the spirit of a fraudulent bullock contractor through the whole of the company's service, in its greatest and most important parts.

My lords, the wading through all these corruptions is an unpleasant employment for me; but what am I to think of a man who holds up his head so high, that, when a matter of account is in discussion, such as appears in this very defence that I have in my hand, he declares he does not know any thing about it? He cannot keep accounts—that is beneath him. We trace him throughout the whole of his career, engaged in a great variety of mercantile employments; and yet, when he comes before you, you would imagine that he had been bred in the study of the sublimest sciences, and had no concern in any thing else; that he had been engaged in writing a poem, an Iliad, or some work that might revive fallen literature. There is but one exception to his abhorrence of accounts. He always contrives to make up a good account for himself.

My lords, we have read to you a letter in which the court of directors have described the disorders of their service—the utter ruin of it—the corruption that prevailed in it—and the destruction of the country by it.—When we are said to exaggerate, we use no stronger words than they do. We cannot mince the matter; your lordships should not mince it; no little, paltry delicacies should hinder you, when there is a country expiring under all these things, from calling the authors to a strict account. The court of directors sent him

that statement; they recommended to him a radical reformation. What does he do? We will read his letter of 1773, in which you will find seeds sown for the propagation of all those future abuses, which terminated in the utter and irremediable destruction of the whole service. After he has praised the directors for the trust that they had placed in him, after expressing his highest gratitude, and so on; he says, "While I indulge the pleasure which I receive from the past successes of my endeavors, I own, I cannot refrain from looking back with a mixture of anxiety on the omissions, by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your honorable court, and to the secret committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you have been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time I will boldly take upon me to affirm, that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were entrusted with it; and even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed; yet such are the cares and embarrassments of this various state, that although much may be done, much more even in matters of moment must necessarily remain neglected. To select from the miscellaneous heap, which each day's exigencies present to our choice, those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advan-

tages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service, with their united labors most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty, which are those of your interest, to endless researches, which can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence, both here and at home."

My lords, you see here that after admitting that he has promised to the court of directors to do what they ordered him to do, (and he had promised to make a radical reform in their whole service, and to cure those abuses which they have stated,) he declares, that he will not execute them; he pleads a variety of other occupations; but as to that great fundamental grievance he was appointed to eradicate, he declares he will not even attempt it. Why did you promise? it naturally occurs to ask him that question. "Why," says he, "you will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them, had I known my inability to perform them." This is a kind of argument that belongs to Mr. Hastings exclusively. Most other people would say, You may judge of the sincerity of my promises by my zeal in the performance; but he says, you may judge of the sincerity of my promises, because I would not promise if I had not thought I should be able to perform. It runs in this ridiculous circle. I promised to obey the court of directors; therefore I knew that I could obey them; but I could not obey them, therefore I was absolved from my promise, and did not attempt to obey them. In fact there is not so much as one grievance or abuse in the country, that he reformed—and this was systematical in Mr. Hastings's conduct; that he was resolved to connive at the whole of the iniquities of the service, because he was resolved that every one of those existing iniquities should be practised by himself. But, says he, the reforma-

tion required can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence, both here and at home. This he gives you as a reason why he will not prosecute the inquiry into abuses abroad —because he is afraid that you should punish him at home for doing his duty abroad—that it will expose him to malevolence at home; and therefore to avoid being subject to malevolence at home, he would not do his duty abroad.

He follows this with something that is perfectly extraordinary; he desires, instead of doing his duty, (which he declares it is impossible to do,) that he may be invested with an arbitrary power. I refer your lordships to pages 2827, 2828, and 2829 of the printed minutes, where you will find the system of his government to be formed upon a resolution not to use any one legal means of punishing corruption, or for the prevention of corruption; all that he desires is to have an absolute arbitrary power over the servants of the company. There you will see, that arbitrary power for corrupt purposes over the servants of the company is the foundation of every part of his whole conduct. Remark what he says here; and then judge whether these inferences are to be eluded by any chicane.

"In the charge of oppression, although supported by the cries of the people and the most authentic representations, it is yet impossible, in most cases, to obtain legal proofs of it; and unless the discretionary power, which I have recommended, be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the board; as, on the other hand, the fear of the consequences will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control."

My lords, you see two things most material for you to consider in the judgment of this great cause, which is the cause of nations. The first thing for you to consider is the decla-

ration of the culprit at your bar, that a person may be pursued by the cries of a whole people; that documents, the most authentic and satisfactory, but deficient in technical form, may be produced against him; in short, that he may be guilty of the most enormous crimes, and yet that legal proofs may be wanting. This shows you how seriously you ought to consider, before you reject any proof upon the idea that is not technical legal proof. To this assertion of Mr. Hastings I oppose, however, the opinion of a gentleman who sits near his side, Mr. Sumner, which is much more probable.

Mr. Hastings says, that the power of the council is not effectual against the inferior servants, that is, too weak to coerce them. With much more truth Mr. Sumner has said in his minute, you might easily coerce the inferior servants; but that the dread of falling upon persons in high stations discourages and puts an end to complaint—I quote the recorded authority of the gentleman near him, as being of great weight, in the affairs of the company, to prove, what is infinitely more probable, the falsehood of Mr. Hastings's assertion, that an inferior servant cannot be coerced; and that they must riot, with impunity, in the spoils of the people.

But we will go to a much more serious part of the business; after desiring arbitrary power in this letter, he desires a perpetuation of it. And here he has given you a description of a bad governor, to which I must call your attention, as your lordships will find it, in every part of his proceeding, to be exactly applicable to himself and to his own government.

"The first command of a state, so extensive as that of Bengal, is not without opportunities of private emoluments; and although the allowance which your bounty has liberally provided for your servants may be reasonably expected to fix *the* bounds of their desires, yet you will find it extremely

difficult to restrain men from profiting by other means, who look upon their appointment as the measure of a day, and who, from the uncertainty of their condition, see no room for any acquisition but of wealth, since reputation and the consequences which follow the successful conduct of great affairs are only to be attained in a course of years. Under such circumstances, however rigid your orders may be, or however supported, I am afraid that, in most instances, they will produce no other fruits than either avowed disobedience, or the worst extreme of falsehood and hypocrisy. These are not the principles which should rule the conduct of men, whom you have constituted the guardians of your property, and checks on the morals and fidelity of others. The care of self-preservation will naturally suggest the necessity of seizing the opportunity of present power, when the duration of it is considered as limited to the usual term of three years, and of applying it to the provision of a future independency; therefore every renewal of this term is liable to prove a reiterated oppression. It is perhaps owing to the causes which I have described, and a proof of their existence, that this appointment has been for some years past so eagerly solicited, and so easily resigned. There are yet other inconveniences attendant on this habit, and perhaps an investigation of them all would lead to endless discoveries. Every man, whom your choice has honored with so distinguished a trust, seeks to merit approbation, and acquire an eclat by innovations, for which the wild scene before him affords ample and justifiable occasion."

You see, my lords, he has stated that, if a governor is appointed to hold his office only for a short time, the consequence would be, either an avowed disobedience, or, what is worse, extreme falsehood and hypocrisy. Your lordships know that this man has held his office for a long time, and yet his disobedience has been avowed, and his hypocrisy and his falsehood have been discovered, and have been proved to

your lordships in the course of this trial. You see this man has declared what are the principles which should rule the conduct of men, whom you have constituted the guardians of your property, and checks upon the morals and fidelity of others. Mr. Hastings tells you himself directly what his duty was; he tells you himself, and he pronounces his own condemnation, what was expected from him, namely, that he should give a great example himself, and be a check and guardian of the fidelity of all that are under him. He declares at the end of this letter, that a very short continuance in their service would enable him to make a fortune up to the height of his desire. He has since thought proper to declare to you, that he is a beggar and undone, notwithstanding all his irregular resources, in that very service. I have read this letter to your lordships, that you may contrast it with the conduct of the prisoner, as stated by us and proved by the evidence we have adduced. We have stated and proved, that Mr. Hastings did enter upon a systematic connivance at the peculation of the company's servants—that he refused to institute any check whatever for the purpose of preventing corruption; and that he carried into execution no one measure of government, agreeably to the positive and solemn engagements, into which he had entered with the directors. We therefore charge him not only with his own corruptions, but with a systematic, premeditated corruption of the whole service, from the time when he was appointed, in the beginning of the year 1772, down to the year 1785, when he left it. He never attempted to detect any one single abuse whatever; he never endeavored once to put a stop to any corruption, in any man, black or white, in any way whatever. And thus he has acted in a government, of which he himself declares the nature to be such, that it is almost impossible so to detect misconduct as to give legal evidence of it, though a man should be declared, by the cries of the whole people, to be guilty.

My lords, he desires an arbitrary power over the company's

servants to be given to him. God forbid arbitrary power should be given into the hands of any man! At the same time, God forbid, if by power be meant the ability to discover, to reach, to check, and to punish subordinate corruption, that he should not be enabled so to do, and to get at, to prosecute, and punish delinquency by law. But honesty only, and not arbitrary power, is necessary for that purpose. We well know, indeed, that a government requiring arbitrary power has been the situation in which this man has attempted to place us.

We know, also, my lords, that there are cases, in which the act of the delinquent may be of consequence, while the example of the criminal, from the obscurity of his situation, is of little importance: in other cases, the act of the delinquent may be of no great importance, but the consequences of the example dreadful. We know, that crimes of great magnitude, that acts of great tyranny, can but seldom be exercised, and only by a few persons. They are privileged crimes. They are the dreadful prerogatives of greatness and of the highest situations only. But when a governor-general descends into the muck and filth of peculation and corruption; when he receives bribes and extorts money, he does acts that are imitable by every body. There is not a single man, black or white, from the highest to the lowest, that is possessed in the smallest degree of momentary authority, that cannot imitate the acts of such a governor-general. Consider, then, what the consequences will be, when it is laid down as a principle of the service, that no man is to be called to account according to the existing laws; and that you must either give, as he says, arbitrary power, or suffer your government to be destroyed.

We asked Mr. Anderson, whether the covenant of every farmer of the revenue did not forbid him from giving any presents to any persons, or taking any. He answered, he did not exactly remember, (for the memory of this gentleman is very indifferent, though the matter was in his own particu-

lar province,) but he thought it did; and he referred us to the record of it. I cannot get at the record; and therefore you must take it as it stands from Mr. Anderson, without a reference to the record,—that the farmers were forbidden to take or give any money to any person whatever, beyond their engagements. Now, if a governor-general comes to that farmer, and says, You must give a certain sum beyond your engagements—he lets him loose to prey upon the landholders and cultivators, and thus a way is prepared for the final desolation of the whole country, by the malversation of the governor, and by the consequent oppressive conduct of the farmers.

Mr. Hastings being now put over the whole country to regulate it, let us see what he has done; he says, Let me have an arbitrary power, and I will regulate it. He assumed arbitrary power, and turned in and out every servant at his pleasure. But did he by that arbitrary power correct any one corruption? Indeed how could he? He does not say he did; for when a man gives ill examples in himself, when he cannot set on foot an inquiry that does not terminate in his own corruption, of course he cannot institute any inquiry into the corruption of the other servants.

But again, my lords, the subordinate servant will say, I cannot arise, (properly here, as Mr. Hastings has well observed,) to the height of greatness, power, distinction, rank, or honor in the government; but I can make my fortune according to my degree, my measure, and my place. His views will be then directed so to make it. And when he sees that the governor-general is actuated by no other views; when he himself, as a farmer, is confidently assured of the corruptions of his superior, when he knows it to be laid down as a principle by the governor-general, that no corruption is to be inquired into; and that if it be not expressly laid down, yet that his conduct is such as to make it the same as if he had actually so laid it down; then, I say, every part of the service is instantly and totally corrupted.

shall next refer your lordships to the article of contracts; contracts have been laid before you, the extravagant and upt profits of which have been proved to amount to 0,000. We have shown you, by the strongest presumpevidence, that these contracts were given for the pur- of corrupting the company's servants in India, and of upting the company itself in England. You will recol-, that £40,000 was given in one morning for a contract, ich the contractor was never to execute,) I speak of Mr. livan's contract. You will also recollect, that he was the of the principal person in the Indian direction; and who, r out of office, was known to govern it; and to be suped by the whole Indian interest of Mr. Hastings.

You have seen the corruption of Sir Eyre Coote, in giv- to Mr. Croftes the bullock contract. You have seen the ock contracts, stated to Mr. Hastings's face, and not de-l; to have been made for concealing a number of corrupt rests. You have seen Mr. Auriol's contract given to the etary of the company, by Mr. Hastings, in order that he ht have the whole records and registers of the company er his control. You have seen that the contract and mission for the purchase of stores and provisions, an rmous job, was given to Mr. Belli, an obscure man, for om Mr. Hastings offers himself as security; under cirstances that went to prove that Mr. Belli held this comsion for Mr. Hastings. These, my lords, are things that not be slurred over; the governor-general is corrupt, he upts all about him; he does it upon system; he will re no inquiry.

My lords, I have stated the amount of the sums which he squandered away in these contracts; but you will obre that we have brought forward but five of them! od God! When you consider the magnitude and multiity of the company's dealings, judge you what must be enormous mass of that corruption, of which he has been cause, and in the profits of which he has partaken.

When your lordships shall have considered (this document) his defence, which I have read in part to you, see whether you are not bound, when he imputes to us and throws upon us the cause of all his corruption, to throw back the charge by your decision, and hurl it with indignation upon himself.

But there is another shameless and most iniquitous circumstance, which I have forgotten to mention, respecting these contracts. He not only considered them as means of present power, and therefore protected his favorites, without the least inquiry into their conduct, and with flagrant suspicion of a corrupt participation in their delinquency; but he goes still farther; he declares, that, if he should be removed from his government, he will give them a lease in these exorbitant profits, for the purpose of securing a corrupt party to support and bear him out by their evidence, upon the event of any inquiry into his conduct; to give him a razynama, to give him a flourishing character, whenever he should come upon his trial. Hear what his principles are; hear what the man himself avows: —

"Fort William, October 4, 1779.

"In answer to Mr. Francis's insinuation, that it is natural enough for the agent to wish to secure himself, before the expiration of the present government; I avow the fact as to myself as well as the agent. When I see a systematic opposition to every measure proposed by me for the service of the public, by which an individual may eventually benefit, I cannot hesitate a moment to declare it to be my firm belief, that should the government of this country be placed in the hands of the present minority, they would seek the ruin of every man connected with me; it is therefore only an act of common justice in me, to wish to secure them, as far as I legally can, from the apprehension of future oppression."

Here is the principle avowed. He takes for granted, and

ıe gives it the name of oppression, that the person who hould succeed him would take away those unlawful and ricked emoluments, and give them to some other. But, ays he, I will put out of the company's power the very neans of redress.

The document, which I am now going to read to your ordships, contains a declaration by Mr. Hastings of another nean, which he used, of corrupting the whole company's ervice.

Minute of the governor-general.—Extract from that minıte :—" Called upon continually by persons of high rank and tation, both in national and in the company's councils, to rotect and prefer their friends in the army; and by the nerits and services which have come under my personal nowledge and observation, I suffer both pain and humiliaion at the want of power to reward the meritorious, or to how a proper attention to the wishes of my superiors, vithout having recourse to means which must be considered is incompatible with the dignity of my station. The slenler relief which I entreat of the board from this state of nortification, is the authority to augment the number of my taff, which will enable me to show a marked and particular ttention in circumstances such as above stated, and will be ıo considerable burthen to the company."

My lords, you here see what he has been endeavoring to ffect, for the express purpose of enabling him to secure himself a corrupt influence in England. But there is another point much more material—which brings the matter directly home to this court, and puts it to you, either to punish him, or to declare yourselves to be accomplices in the corruption of the whole service. Hear what the man himself says. I am first to mention to your lordships the occasion upon which the passage which I shall read to you was written. It was when he was making his enormous and shameful establish-

ment of a revenue board, in the year 1781; of which I shall say a few words hereafter, as being a gross abuse in itself; he then felt that the world would be so much shocked at the enormous prodigality and corrupt profusion of what he was doing, that he at last spoke out plainly.

A minute of Mr. Hastings transmitted in a letter by Mr. Wheler:—"In this, as it must be the case in every reformation, the interest of individuals has been our principal, if not our only impediment. We could not at once deprive so large a body of our fellow-servants of their bread, without feeling that reluctance which humanity must dictate; not unaccompanied perhaps with some concern for the consequence which our own credit might suffer, by an act which involved the fortunes of many, and extended its influence to all their connections.

"This, added to the justice which was due to your servants, who were removed for no fault of theirs, but for the public convenience, induced us to continue their allowances until other offices could be provided for them—and the more cheerfully to submit to the expediency of leaving others in a temporary or partial charge of the internal collections. In effect the civil officers of this government might be reduced to a very scanty number, were their exigency alone to determine the list of your covenanted servants, which at this time consist of no less a number than two hundred and fifty-two; many of them the sons of the first families in the kingdom of Great Britain, and every one aspiring to the rapid acquisition of lacks, and to return to pass the prime of their lives at home, as multitudes have done before them. Neither will the revenues of this country suffice for such boundless pretensions; nor are they compatible with yours and the national interests, which may eventually suffer as certain a ruin from the effects of private competition and the claim of patronage, as from the more dreaded calamities of war, or the other ordinary causes which lead to the decline of dominion."

My lords, you hear his declaration that patronage, which he avows to be one of the principles of his government, and to be the principle of the last of his acts, is worse than war, pestilence, and famine; and that all these calamities together might not be so effectual as this patronage, in wasting and destroying the country. And at what time does he tell you this? He tells it you, when he himself had just wantonly destroyed an old regular establishment for the purpose of creating a new one, in which he says, he was under the necessity of pensioning the members of the old establishment from motives of mere humanity. He here confesses himself to be the author of the whole mischief.—I could, says he, have acted better; I might have avoided desolating the country by peculation. But, says he, I had sons of the first families in the kingdom of Great Britain; every one aspiring to the rapid acquisition of lacks, and this would not suffer me to do my duty. I hope your lordships will stigmatize the falsehood of this assertion. Consider, my lords, what he has said—two hundred and fifty men at once, and in succession, aspiring to come home in the prime of their youth with *lacks*. You cannot take *lacks* to be less than two; we cannot make a plural less than two. Two lacks make £20,000. Then multiply that by 252, and you will find more than £2,500,000 to be provided for that set of gentlemen, and for the claims of patronage. Undoubtedly such a patronage is worse than the most dreadful calamities of war, and all the other causes which lead to decline of dominion.

My lords, I beseech you to consider this plan of corrupting the company's servants, beginning with systematical corruption, and ending with an avowed declaration, that he will persist in this iniquitous proceeding, and to the utmost of his power entail it upon the company, for the purpose of securing his accomplices against all the consequences of any change in the company's government. I dare not, says he, be honest; if I make their fortunes, you will judge favorably of me; if I do not make their fortunes, I shall find

myself crushed with a load of reproach and obloquy, from which I cannot escape in any other way than by bribing the House of Peers. What a shameful avowal this to be made in the face of the world!—Your lordships' judgment upon this great cause will obliterate it from the memory of man. But his apprehension of some change in the company's government is not his only pretext for some of these corrupt proceedings; he adverts also to the opposition which he had to encounter with his colleagues, as another circumstance which drove him to adopt others of these scandalous expediences. Now there was a period when he had no longer to contend with, or to fear, that opposition. When he had got rid of the majority in the council, which thwarted him, what did he do? Did he himself correct any of the evils and disorders which had prevailed in the service, and which his hostile majority had purposed to reform? No, not one; notwithstanding the court of directors had supported the majority in all their declarations, and had accused him of corruption and rebellion in every part of his opposition to them. Now that he was free from the yoke of all the mischief of that cursed majority which he deprecates, and which I have heard certain persons consider as a great calamity, (a calamity indeed it was to patronage,)—as soon, I say, as he was free from this, you would imagine he had undertaken some great and capital reformation; for all the power which the company could give, was in his hands—total, absolute, and unconfined.

I must here remind your lordships, that the provincial councils was an establishment made by Mr. Hastings. So confident was he, in his own opinion, of the expediency of them, that he transmitted to the court of directors a draft of an act of parliament to confirm them; by this act it was his intention to place them beyond the possibility of mutation. Whatever opinion others might entertain of their weakness, inefficacy, or other defects, Mr. Hastings found no such things in them. He had declared in the beginning, that he

considered them as a sort of experiment; but that in the progress he found them answer so perfectly well, that he proposed even an act of parliament to support them. The court of directors, knowing the mischiefs that innovation had produced in their service, and the desolations which it had brought on the country, commanded him not to take any step for changing them, without their orders. Contrary, however, to his own declarations—contrary to the sketch of an act of parliament, which, for aught he knew, the legislature might then have passed, (I know that it was in contemplation to pass, about that time, several acts for regulating the company's affairs; and for one, I should have been, as I always have been, a good deal concerned in whatever tended to fix some kind of permanent and settled government in Bengal,) in violation I say, of his duty, and in contradiction to his own opinion, he at that time, without giving the parties notice, turns out of their employments, situation, and bread, the provincial councils.

And who were the members of those provincial councils? They were of high rank in the company's service; they were not junior servants, boys of a day, but persons who had gone through some probation; who knew something of the country; who were conversant in its revenues, and in the course of its business; they were, in short, men of considerable rank in the company's service. What did he do with these people? Without any regard to their rank in the service—no more than he had regarded the rank of the nobility of the country—he sweeps them all in one day from their independent situations, without reference to the directors, and turns them all into pensioners upon the company. And for what purpose was this done? It was done in order to reduce the company's servants, who in their dependent situations, were too great a mass and volume for him to corrupt an abject dependence upon his absolute power. It was, that he might tell them, You have lost your situations; you have nothing but small alimentary pensions; nothing more than a

maintenance, and you must depend upon me whether you are to have any thing more or not. Thus at one stroke a large division of the company's servants—and one of the highest orders of them, were reduced for their next bread, to an absolute, submissive dependence upon his will; and the company was loaded with the pensions of all these discarded servants. Thus were persons in an honorable, independent situation, earned by long service in that country, and who were subject to punishment for their crimes, if proved against them, all deprived, unheard, of their employments. You would imagine that Mr. Hastings had at least charged them with corruption. No; you will see upon your minutes, that when he abolished the provincial councils, he declared at the same time, that he found no fault with the persons concerned in them.

Thus then he has got rid, as your lordships see, of one whole body of the company's servants; he has systematically corrupted the rest, and provided, as far as lay in his power, for the perpetuation of their corruption; he has connived at all their delinquencies, and has destroyed the independence of all the superior orders of them. Now hear what he does with regard to the council general itself. They had, by the act that made Mr. Hastings governor, the management of the revenues vested in them;—you have been shown by an honorable and able fellow manager of mine, that he took the business of this department wholly out of the hand of the council; that he named a committee for the management of it, at an enormous expense—a committee made up of his own creatures and dependents; and that after destroying the provincial councils, he brought down the whole management of the revenue to Calcutta. This committee took this important business entirely out of the hands of the council, in which the act had vested it, and this committee he formed without the orders of the court of directors, and directly contrary to the act which put the superintendence in the hands of the council.

Oh! but he reserved a superintendence over them. You shall hear what the superintendence was; you shall see, feel, smell, touch—it shall enter into every avenue and pore of your soul. It will show you what was the real principle of Mr. Hastings's government. We will read to you what Sir John Shore says of that institution, and of the only ends and purposes which it could answer; your lordships will then see how far he was justifiable in violating an act of parliament, and giving out of the council's hands the great trust, which the laws of his country had vested in them. It is part of a paper written in 1785, by Mr. Shore, who was sole acting president of this committee, to which all Bengal was delivered; he was an old servant of the company, and he is now at the head of the government of that country. He was Mr. Hastings's particular friend, and therefore you cannot doubt either of his being a competent evidence, or that he is a favorable evidence for Mr. Hastings, and that he would not say one word against the establishment of which he himself was at the head, that was not perfectly true, and forced out of him by the truth of the case. There is not a single part of it, that does not point out some abuse.

"In the actual collection of the revenues, nothing is more necessary than to give immediate attention to all complaints, which are preferred daily without number, and to dispatch them in a summary manner; this cannot be done where the control is remote. In every pergunnah throughout Bengal there are some distinct usages, which cannot be clearly known at a distance; yet in all complaints of oppression or extortion, these must be known before a decision can be pronounced. But to learn at Calcutta the particular customs of a district of Radshahy or Daca is almost impossible; and considering the channel through which an explanation must pass, and through which the complaint is made, any coloring may be given to it; and oppression and extortion, to the ruin of a district, may be practised with impunity. This is a

continual source of embarrassment to the committee of revenue in Calcutta.

"One object of their institution was to bring the revenues without the expenses of agency to the presidency, and to remove all local control over the farmers, who were to pay their rents at Calcutta. When complaints are made against farmers by the occupiers of the lands, it is almost impossible to discriminate truth from falsehood. But to prevent a failure in the revenue, it is found necessary, in all doubtful cases, to support the farmer; a circumstance which may give rise to and confirm the most cruel acts of oppression. The real state of any district cannot be known by the committee. An occupier or zemindar may plead that an inundation has ruined him, or that his country is a desert through want of rain. An aumeen is sent to examine the complaint; he returns with an exaggerated account of losses proved in volumes of intricate accounts, which the committee have no time to read, and for which the aumeen is well paid. Possibly, however, the whole account is false. Suppose no aumeen is employed and the renter is held to the tenor of his engagement, the loss, if real, must occasion his ruin, unless his assessment is very moderate indeed.

"I may venture to pronounce, that the real state of the districts is now less known, and the revenue less understood, than in the year 1774. Since the natives have had the disposal of accounts, since they have been introduced as agents and trusted with authority, intricacy and confusion have taken place; the records and accounts which have been compiled are numerous; yet when any particular account is wanted, it cannot be found. It is the business of all, from the ryots to the dewan, to conceal and deceive. The simplest matters of fact are designedly covered with a veil through which no human understanding can penetrate.

"With respect to the present committee of revenue, it is morally impossible for them to execute the business they are intrusted with. They are invested with a general control,

and they have an executive authority, larger than ever was before given to any board or body of men. They may and must get through the business. But to pretend to assert that they really execute it, would be folly and falsehood.

"The grand object of the native dewannies was, to acquire independent control, and for many years they have pursued this with wonderful art. The farmers and zemindars under the committee prosecute the same plan, and have already objections to any thing that has the least appearance of restriction. All control removed, they can plunder as they please.

"The committee must have a dewan or executive officer, call him by what name you please. This man, in fact, has all the revenues paid at the presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is of little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of protecting both undetected.

"To display the arts employed by a native on such an occasion, would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors, and by the engines of hope and fear raised upon these foundations, he can work them to his purpose. The committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hand of their dewan."

Here is the account of Mr. Hastings's new committee of revenue, substituted in the place of an establishment made by act of parliament; here is what he has substituted for provincial councils. Here is what he has substituted in the room of the whole regular order of the service, which he totally subverted. Can we add any thing to this picture? Can we heighten it? Can we do any thing more than to recommend it to your lordships' serious consideration?

But before I finally dismiss this part of our charge, I must

request your lordships' most earnest attention to the true character of these atrocious proceedings, as they now stand proved before you, by direct or the strongest presumptive evidence upon the company's records, and by his own confessions and declarations, and those of his most intimate friends and avowed agents. Your lordships will recollect that, previously to the appointment of Mr. Hastings to be the governor-general, in 1772, the collection of the revenues was committed to a naib dewan, or native collector, under the control of the supreme council; and that Mr. Hastings did at that time, and upon various occasions afterwards, declare it to be his decided and fixed opinion, that nothing would be so detrimental to the interests of the company, and to the happiness and welfare of the inhabitants of their provinces, as changes, and more especially sudden changes, in the collection of their revenues. His opinion was also most strongly and reiteratedly pressed upon him by his masters, the court of directors. The first step taken after his appointment was to abolish the office of naib dewan, and to send a committee through the provinces, at the expense of £50,000 a year, to make a settlement of rents to be paid by the natives for five years. At the same time he appointed one of the company's servants to be the collector in each province, and he abolished the general board of revenue, which had been established at Moorshedabad, chiefly for the following reasons; that by its exercising a separate control, the members of the supreme council at Calcutta were prevented from acquiring that intimate acquaintance with the revenues, which was necessary to persons in their station; and because many of the powers, necessary for the collection of the revenues, could not be delegated to a subordinate council. In consideration of these opinions, orders, and declarations, he, in 1773, abolished the office of collector, and transferred the management of the revenues to several councils of revenue, called provincial councils, and recommended their perpetual establishment by act of parliament. In the year 1774, in con-

adiction of his former opinion, respecting the necessity of ıe supreme council possessing all possible means of becom- ıg acquainted with the details of the revenue, he again ecommended the continuance of the provincial councils in ıl their parts. This he again declared to be his deliberate pinion in 1775 and in 1776. In the mean time a majority f the supreme council, consisting of members who had enerally differed in opinion from Mr. Hastings, had trans- ıitted their advice to the court of directors, recommending ome changes in the system of provincial councils. The di- ectors, in their reply to this recommendation, did, in 1777, rder the supreme council to form a new plan for the collec- on of the revenues, and to transmit it to them for their con- deration.

No such plan was transmitted; but in the year 1781, Mr. lastings having obtained a majority in the council, he again hanged the whole system, both of the collection of the reve- ue and of the executive administration of civil and criminal ıstice. And who were the persons substituted in the place f those whom he removed? Names, my lords, with which ou are already but too well acquainted. At their head ands Munny Begum; then comes his own domestic and rivate bribe agent Guuga Govin Sing; then his banyan, antoo Baboo; then, that instrument of all evil, Debi Sing; ıen the whole tribe of his dependants white and black, hom he made farmers of the revenue, with Colonel Han- ay at their head; and lastly, his confidential residents, se- et agents, and private secretaries, Mr. Middleton, Major almer, &c. &c.—Can your lordships doubt, for a single in- ant, of the real spirit of these proceedings? Can you oubt of the whole design having originated and ended in orruption and peculation?

We have fully stated to you, from the authority of these arties themselves, the effects and consequences of these roceedings—namely, the dilapidation of the revenues, and ıe ruin and desolation of the provinces. And, my lords,

what else could have been expected or designed by this sweeping subversion of the control of the company's servants over the collection of the revenue, and the vesting of it in a black dewan, but fraud and peculation? What else, I say, was to be expected in the inextricable turnings and windings of that black mystery of iniquity, but the concealment of every species of wrong, violence, outrage, and oppression? Your lordships then have seen, that the whole country was put into the hands of Gunga Govin Sing; and when you remember who this Gunga Govin Sing was, and how effectually Mr. Hastings had secured him against detection, in every part of his malpractices and atrocities, can you for a moment hesitate to believe, that the whole project was planned and executed for the purpose of putting all Bengal under contribution to Mr. Hastings? But if you are resolved, after all this, to entertain a good opinion of Mr. Hastings—if you have taken it into your heads, for reasons best known to yourselves, to imagine that he has some hidden virtues, which in the government of Bengal he has not displayed, and which, to us of the House of Commons, have not been discernible in any one single instance; these virtues may be fit subjects for paragraphs in newspapers —they may be pleaded for him by the partisans of his Indian *faction*. But your lordships will do well to remember that it is not to Mr. Hastings himself that you are trusting, but to Gunga Govin Sing. If the committee were tools in his hands, must not Mr. Hastings have also been a tool in his hands?—If they, with whom he daily and hourly had to transact business, and whose office it was to control and restrain him, were unable so to do, is this control and restraint to be expected from Mr. Hastings, who was his confidant, and whose corrupt transactions he could at any time discover to the world? My worthy colleague has traced the whole of Mr. Hastings's bribe account, in the most clear and satisfactory manner, to Gunga Govin Sing—him first—him last—him midst, and without end. If we fail of the conviction

of the prisoner at your bar, your lordships will not have acquitted Mr. Hastings merely, but you will confirm all the robberies and rapines of Gunga Govin Sing. You will recognise him as a faithful governor of India. Yes, my lords, let us rejoice in this man. Let us adopt him as our own. Let our country—let this House be proud of him! If Mr. Hastings can be acquitted, we must admit Gunga Govin Sing's government to be the greatest blessing that ever happened to mankind. But if Gunga Govin Sing's government be the greatest curse that ever befel suffering humanity, as we assert it to have been, there is the man that placed him in it; there is his father, his godfather, the first author and origin of all these evils and calamities. My lords, remember Dinagepore; remember the bribe of £40,000, which Gunga Govin Sing procured for Mr. Hastings in that province, and the subsequent horror of that scene.

But, my lords, do you extend your confidence to Gunga Govin Sing? Not even the face of this man, to whom the revenues of the company, together with the estates, fortunes, reputations, and lives of the inhabitants of that country were delivered over, is known in those provinces. He resides at Calcutta, and is represented by a variety of under agents. Do you know Govin Ghose? Do you know Nundalol? Do you know the whole tribe of peculators, whom Mr. Hastings calls his faithful domestic servants? Do you know all the persons that Gunga Govin Sing must employ in the various ramifications of the revenues throughout all the provinces? Are you prepared to trust all these? The board of revenue has confessed that it could not control them. Mr. Hastings himself could not control them. The establishment of this system was like Sin's opening the gates of hell; like her he could open the gate, but to shut, as Milton says, exceeded his power. The former establishments, if defective, or if abuses were found in them, might have been corrected. There was at least the means of detecting and punishing abuse. But Mr. Hastings destroyed the means of doing

either, by putting the whole country into the hands of Gunga Govin Sing.

Now, having seen all these things done, look to the account. Your lordships will now be pleased to look at this business, as a mere account of revenue. You will find, on comparing the three years in which Mr. Hastings was in the minority, with the three years after the appointment of this committee, that the assessment upon the country increased, but that the revenue was diminished; and you will also find, which is a matter that ought to astonish you, that the expenses of the collections were increased, by no less a sum than £500,000. You may judge from this what riot there was in rapacity and ravage, both amongst the European and native agents, but chiefly amongst the natives; for Mr. Hastings did not divide the greatest part of this spoil among the company's servants, but among this gang of black dependants.

These accounts are in pages 1273 and 1274 of your minutes. My lords, weighty indeed would have been the charge brought before your lordships by the Commons of Great Britain, against the prisoner at your bar, if they had fixed upon no other crime or misdemeanor than that which I am now pressing upon you. His throwing off the allegiance of the company, his putting a black master over himself, and his subjecting the whole of Bengal, Bahar, and Orissa, the whole of the company's servants, the company's revenues, the company's farms, to Gunga Govin Sing. But, my lords, it is a very curious and remarkable thing, that we have traced this man as Mr. Hastings's bribe broker, up to the time of the nomination of this committee; we have traced him through a regular series of bribery; he is Mr. Hastings's bribe broker at Patna; he is Mr. Hastings's bribe broker at Nuddea; he is his bribe broker at Dinagepore; we find him his bribe broker in all these places; but from the moment that this committee was constituted, it became a gulph in which the prevention, the detection, and the correction of all kind of abuses were

unk and lost for ever. From the time when this committee nd Gunga Govin Sing were appointed, you do not find one vord more of Mr. Hastings's bribes. Had he then ceased to eceive any? or where are you to look for them? You are o look for them in that £500,000 excess of expense in the evenue department, and in the rest of all that corrupt traffic of Gunga Govin Sing, of which we gave you specimens at he time we proved his known bribes to you. These are nothing but index hands to point out to you the immense mass of corruption which had its origin, and was daily accumulating in these provinces, under the protection of Mr. Hastings. And can you think, and can we talk of such transactions, without feeling emotions of indignation and horror not to be described? Can we contemplate such scenes as these —can we look upon those desolated provinces—upon a country so ravaged—a people so subdued—Mahomedans, Gentoos, our own countrymen all trampled under foot, by this tyrant; can we do this without giving expression to those feelings, which, after animating us in this life, will comfort us when we die, and will form our best part in another?

My lords, I am now at the last day of my endeavors to inspire your lordships with a just sense of these unexampled atrocities. I have had a great encyclopedia of crimes to deal with; I will get through them as soon as I can; and I pray your lordships to believe, that if I omit any thing, it is to time I sacrifice it; that it is to want of strength I sacrifice it; that it is to necessity, and not from any despair of making, from the records and from the evidence, matter so omitted as black as any thing that I have yet brought before you.

The next thing, of which I have to remind your lordships respecting these black agents of the prisoner, is, that we find him just before his departure from India, recommending three of them—Gunga Govin Sing, Gunga Ghose, and Nundalol, as persons fit and necessary to be rewarded for their services by the company. Now your lordships will find that of these faithful domestic servants, there is not one of them who was

not concerned in these enormous briberies, and in betraying their own native and natural master. If I had time for it, I believe, I could trace every person to be, in proportion to Mr. Hastings's confidence in him, the author of some great villany. These persons, he thinks, had not been sufficiently rewarded, and accordingly he recommends to the board, as his dying legacy, provision for these faithful, attached servants of his, and particularly for Gunga Govin Sing. The manner in which this man was to be rewarded makes a part of the history of these transactions, as curious perhaps as was ever exhibited to the world. Your lordships will find it in page 2841 of your minutes.

The rajah of Dinagepore was a child at that time about eleven years old, and had succeeded to the rajahship, (by what means I shall say nothing,) when he was about five years old. He is made to apply to Mr. Hastings for leave to grant a very considerable part of his estate to Gunga Govin Sing, as a reward for his services. These services could only be known to the rajah's family, by having robbed it of at least £40,000, the bribe given to Mr. Hastings. But the rajah's family is so little satisfied with this bountiful and liberal donation to Gunga Govin Sing, that they desire that several pergunnahs or farms, that are mentioned in the application made to the the council, should be separated from the family estate and given to this man. Such was this extraordinary gratitude; gratitude not for money received, but for money taken away; a species of gratitude unknown in any part of the world but in India; gratitude pervading every branch of the family; his mother coming forward and petitioning likewise, that her son should be disinherited; his uncle, the natural protector and guardian of his minority, coming forward, and petitioning most earnestly, that his nephew should be disinherited; all the family join in one voice of supplication to Mr. Hastings, that Gunga Govin Sing may have a very large and considerable part of their family estate given to him. Mr. Hastings, after declaring that cer-

umstances respecting this property, which are men-
his minutes, were to his knowledge true, but which
ships, upon examination, will find to be false, and
in every particular, recommends, in the strongest
to the board, a compliance with this application.
at this time on the eve of his departure from India,
to provide for his faithful servants; and he well
at this his last act would be held binding upon his
s, who were devoted to him.
indeed, is genuine and heroic gratitude; gratitude
y received, not for money taken away; and yet this
was towards a person who had paid himself out of
fit which had been conferred, at the expense of a
ty. For Gunga Govin Sing had kept for himself
out of £40,000 taken from the rajah. For this
ated by Mr. Larkins to be such, and allowed by Mr.
himself to be such—he, with a perfect knowledge
raud and cheat committed upon the public, (for he
that the money was meant for the company,) makes
olication to his colleagues, and departs.
his departure, Gunga Govin Sing, relying upon the
nce of the corrupt influence which he had gained,
impudence to come forward and demand the confir-
of this grant by the council general. The council,
willing to accede to Mr. Hastings's proposition, were
in a moment by petitions much more natural, but of
contrary tenor. The poor infant rajah raises his cries
be deprived of his inheritance; his mother comes
and conjures the council not to oppress her son and
er family; the uncle comes and supplicates the board
rom ruin these devoted victims which were under
ction. All these counter-petitions come before the
while the ink is hardly dry upon the petitions which
tings had left behind him, as proofs of the desire of
ily to be disinherited in favor of Gunga Govin Sing.
e receipt of these remonstrances, the board could not

proceed in the business, and accordingly Gunga Govin Sing was defeated.

But Gunga Govin Sing was unwilling to quit his prey. And what does he do?—I desire your lordships to consider seriously the reply of Gunga Govin Sing, as it appears upon your minutes.—It is a bold answer. He denies the right of the rajah to these estates. Why, says he, all property in this country depends upon the will of your government; how came this rajah's family into possession of this great zemindary? Why, they got it at first by the mere favor of government. The whole was an iniquitous transaction. This is a family, that in some former age has robbed others, and now let me rob them. In support of this claim, he adds the existence of other precedents; namely, that many clerks or mutseddies and banyans at Calcutta had, as he says, got possession of the lands of other people, without any pretence of right.—Why should not I? Good God, what precedents are these!—Your lordships shall now hear the razynama, or testimonial, which, since Mr. Hastings's arrival in England, this rajah has been induced to send to the company from India, and you will judge then of the state in which Mr. Hastings has left that country. Hearken, my lords, I pray you, to the razynama of this man, from whom £40,000 was taken by Mr. Hastings and Gunga Govin Sing, and against whom an attempt was made by the same persons, to deprive him of his inheritance. Listen to this razynama, and then judge of all the other testimonials which have been produced on the part of the prisoner at your bar. His counsel rest upon them—they glory in them, and we shall not abate them one of these precious testimonials. They put the voice of grateful India against the voice of ungrateful England. Now, hear what grateful India says, after our having told you for what it was so grateful.

"I, Radaunat, zemindar of pergunnah, Havelly Penjuna, &c., commonly called Dinagepore:—As it has been learnt by

the mutseddies and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor Warren Hastings, Esq., upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country—therefore, we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the deeds of Warren Hastings, Esq. full of circumspection and caution, civility and justice, superior to the conduct of the most learned; and by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England. That Mr. Hastings is possessed of fidelity and confidence and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen and justice; no inhabitant ever experienced afflictions; no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice."

Good God! my lords, "*our families protected by his justice!*" What! after Gunga Govin Sing, in concert with Mr. Hastings, had first robbed him of £40,000, and then had attempted to snatch, as it were, out of the mouths of babes and sucklings, the inheritance of their fathers, and to deprive this infant of a great part of his family estate! Here is a child, eleven years old, who never could have seen Mr. Hastings; who could know nothing of him but from the heavy hand of oppression, affliction, wrong, and robbery, brought to bear testimony to the virtues of Mr. Hastings, before a British parliament. Such is the confidence they repose in their hope of having bribed the English nation by the millions and millions of money, the countless lacks of rupees poured into it from India; that they had dared to bring this

poor robbed infant, to bear testimony to the character of Mr. Hastings. These are the things which are to be opposed to the mass of evidence, which the House of Commons bring against this man; evidence which they bring from his own acts, his own writing, and his own records; a cloud of testimony furnished by himself, in support of charges brought forward and urged by us agreeably to the magnitude of his crimes, with the horror which is inspired by them, and with the contempt due to this paltry attempt towards his defence—which they had dared to produce from the hands of an infant, but eleven years old, when Mr. Hastings quitted that country.

But to proceed with the razynama:—"He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behavior, never permitting one of us to sink into the pit of despondence; he supported every one by his goodness, overset the designs of evil-minded men, by his authority, tied the hand of oppression, with the strongest bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us; he reëstablished justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous in every respect of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury; and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My lords, before I take leave of this affair of bribes and of the great bribe broker, let me just offer a remark to your lordships upon one curious transaction. My lords, we have charged a bribe taken from the nabob of Oude, and we have stated the corrupt and scandalous proceeding which attended it. I thought I had done with Oude; but as there is a

golden chain between all the virtues, so there is a golden chain which links together all the vices. Mr. Hastings, as you have seen, and as my honorable colleague has fully opened it to you, received a bribe or corrupt present from the nabob of Oude, in September, 1781. We heard no more of this bribe than what we had stated, (no other trace of it ever appearing in the company's records, except in a private letter written by Mr. Hastings to the court of directors, and afterwards in a communication such as you have heard through Mr. Larkins,) till October, 1783.

But, my lords, we have since discovered, through and in consequence of the violent disputes which took place between Mr. Hastings and the clan of residents that were in Oude, the resident of the company, Mr. Bristow, the two residents of Mr. Hastings, Mr. Middleton and Mr. Johnson, and the two residents sent by him to watch over all the rest, Major Palmer and Major Davy;—upon quarrels, I say, between them, we discovered that Mr. Middleton had received the offer of a present of £100,000 in February, 1782. This circumstance is mentioned in a letter of Mr. Middleton's, in which he informs Mr. Hastings that the nabob had destined such a sum for him.

Now the first thing that will occur to your lordships, upon such an affair, will be a desire to know what it was that induced the nabob to make this offer. It was but in the September preceding, that Mr. Hastings had received, for his private use, as the nabob conceived, so bountiful a present as £100,000; what motive then could he have had in February, to offer him another £100,000?—This man, at the time, was piercing heaven itself with the cries of despondency, despair, beggary, and ruin. You have seen, that he was forced to rob his own family, in order to satisfy the company's demands upon him; and yet this is precisely the time when he thinks proper to offer £100,000 to Mr. Hastings. Does not the mind of every man revolt, whilst he exclaims—and say, What! another £100,000 to Mr. Hastings! What reason had the

nabob to think Mr. Hastings so monstrously insatiable, that, having but the September before received £100,000, he must give him another in February?—My lords, he must, in the interval, have threatened the nabob with some horrible catastrophe, from which he was to redeem himself by this second present. You can assign no other motive for his giving it. We know not what answer Mr. Hastings made to Mr. Middleton, upon that occasion, but we find that in the year 1783 Mr. Hastings asserts, that he sent up Major Palmer and Major Davy, to persuade the nabob to transfer this present, which the nabob intended for him, to the company's service. Remark, my lords, the progress of this affair. In a formal accusation preferred against Mr. Middleton, he charges him with obstructing this design of his. In this accusation, my lords, you find him at once in the curious character of prosecutor, witness, and judge.

Let us see how he comports himself. I shall only state to you one of the articles of his impeachment. It is the third charge; it is in page 1267 of your lordships' minutes:—"For sending repeatedly to the vizier and to his minister, Hyder Beg Khân, to advise them against transferring the ten lacks of rupees, intended as a present to the governor-general, to the company's account; as it would be a precedent for further demands, which if the vizier did not refuse in the first instance, the government would never cease to harass him for money."

The first thing, that will occur to your lordships, is an assertion of the accuser's:—"I am morally certain, that jaydaads or assets for ten lacks, either in assignment of land or in bills, had been prepared, and were in the charge or possession of Mr. Middleton, before Major Palmer's arrival, and left with Mr. Johnson on Mr. Middleton's departure."

My lords, here is an accusation, that Mr. Middleton had actually received money, either in bills or assets of some kind or other; and that, upon quitting his residency, he had handed it over to his successor, Mr. Johnson. Here are then facts

asserted, and we must suppose substantiated. Here is a sum of money to be accounted for, in which there is a gross malversation directly charged as to these particulars, in Mr. Hastings's opinion. Mr. Macpherson, another member of the council, has declared, that he understood at the time, that the ten lacks were actually deposited in bills, and that it was not a mere offer made by the nabob to pay such a sum from the future revenue of the country. Mr. Hastings has these facts disclosed to him. He declares that he was "*morally* certain" of it; that is, as certain as a man can be of any thing, because physical certitude does not belong to such matters. The first thing you will naturally ask is, why does he not ask Mr. Johnson how he had disposed of that money, which Mr. Middleton had put in his hands? He does no such thing; he passes over it totally, as if it were no part of the matter in question, and the accusation against Mr. Middleton terminates in the manner you will there find stated. When Mr. Johnson is asked, why was not that money applied to the company's service? he boldly steps forward, and says, I prevented it from being so applied. It never was, it never ought to have been so applied; such an appropriation of money to be taken from the nabob would have been enormous upon that occasion.

What then does Mr. Hastings do? Does he examine Mr. Middleton upon the subject, who charges himself with having received the money?—Mr. Middleton was at that very time in Calcutta, called down thither by Mr. Hastings himself. One would naturally expect that he would call upon him, to explain for what purpose he left the money with Mr. Johnson. He did no such thing. Did he examine Mr. Johnson himself, who was charged with having received the money from Mr. Middleton? Did he ask him, what he had done with that money? Not one word. Did he send for Major Palmer and Major Davy to account for it? No. Did he call any shroff, any banker, any one person concerned in the payment of the money; or any one person in the management

of the revenue? No, not one.—Directly in the face of his own assertions, directly contrary to his moral conviction of the fact, that the money had been actually deposited, he tries Mr. Johnson collusively and obliquely; not upon the account of what was done with the money, but why it was prevented from being applied to the company's service; and he acquits him in a manner that (taking the whole of it together) will give your lordships the finest idea possible of a Bengal judicature, as exercised by Mr. Hastings.

"I am not sorry," says he, "that Mr. Johnson chose to defeat my intentions, since it would have added to the nabob's distresses, but with no immediate relief to the company. If, in his own breast, he can view the secret motives of this transaction, and on their testimony approve it, I also acquit him."—Merciful God! Here is a man accused by regular articles of impeachment. The accuser declares, he is morally certain that the money had been received, but was prevented from being applied to its destination by the person accused, and he acquits him! Does he acquit him, from his own knowledge, or from any evidence? No; but he applies to the man's conscience, and says, if you in your conscience can acquit yourself, I acquit you.

Here then is a proceeding, the most astonishing and shameless that perhaps was ever witnessed; a court trying a man for a delinquency and misapplication of money, destined, in the first instance, for the use of the judge, but which he declares ought, in his own opinion, to be set apart for the public use; and which he was desirous of applying to the company's service, without regard to his own interest; and then the judge declaring he is not sorry that his purpose had been defeated by the party accused. Instead, however, of censuring the accused, he applies to the man's own conscience:—Does your conscience, says he, acquit you of having acted wrong? The accused makes no reply; and then Mr. Hastings, by an hypothetical conclusion acquits him.

Mr. Hastings is accused by the Commons, for that having

a moral certainty of the money's being intended for his use, he would not have ceased to inquire into the actual application of it, but from some corrupt motive and intention. With this he is charged. He comes before you to make his defence. Mr. Middleton is in England. Does he call Mr. Middleton to explain it here? Does he call upon Mr. Johnson, who was the other day in this court, to account for it? Why did he not, when he sent for these curious papers and testimonials to Major Palmer, (the person authorized, as he pretends, by him, to resign all his pretensions to the money procured,) send for Major Palmer, who is the person that accused him in this business? Why not send for him to bear some testimony respecting it? No; he had time enough; but at no one time, and in no place, did he do this; therefore the imputation of the foulest corruption attaches upon him, joined with the infamy of a collusive prosecution, instituted for the sake of a collusive acquittal.

Having explained to your lordships the nature, and detailed the circumstances, as far as we are acquainted with them, of this fraudulent transaction, we have only further to remind you, that, though Mr. Middleton was declared guilty of five of the six charges brought against him by Mr. Hastings, yet the next thing you hear is, that Mr. Hastings, after declaring that this conduct of Mr. Middleton had been very bad, and that the conduct of the other servants of the company concerned with him had been ten times worse, he directly appoints him to one of the most honorable and confidential offices the company had to dispose of—he sends him ambassador to the nizam; to give to all the courts of India a specimen of the justice, honor, and decency of the British government.

My lords, with regard to the bribe for the *entertainment*, I only beg leave to make one observation to you upon that article. I could say, if the time would admit it, a great deal upon that subject; but I wish to compress it, and I shall therefore only recommend it in general to your lordships'

deliberate consideration. The covenant subsisting between the company and its servants was made for the express purpose of putting an end to all such entertainments. By this convention it is ordered, that no presents exceeding £200 shall be accepted upon any pretence for an entertainment. The covenant was intended to put an end to the custom of receiving money for entertainments, even when visiting an independent oriental prince. But your lordships know that the nabob was no prince, but a poor, miserable, undone dependant upon the company. The present was also taken by Mr. Hastings, at a time when he went upon the cruel commission of cutting down the nabob's allowance from £400,000 to £260,000—and when he was reducing to beggary thousands of persons, who were dependent for bread upon the nabob; and ruining, perhaps, forty thousand others. I shall say no more upon that subject, though, in truth, it is a thing upon which much observation might be made.

I shall now pass on to another article connected with, though not making a direct part of, that of corrupt bribery; I mean the swindling subterfuges, by which he has attempted to justify his corrupt practices. At one time he defends them, by pleading the necessities of his own affairs, as when he takes presents and entertainments avowedly for his own profits. At another time he defends them, by pleading the goodness of his intentions. He intended, he says, to give the money to the company. His last plea has something in it (which shall I say?) of a more awful or of a more abandoned character, or of both. In the settlement of his public account before he left India, he takes credit for a bond which he had received from Nobkissin, upon some account or other. He then returns to England, and what does he do? Pay off? No. Give up the bond to the company? No. He says, I will account to the company for this money; and when he comes to give this account of the expenditure of this money, your lordships will not be a little astonished at the items of it. One is for founding a Mahomedan college. It is a very

strange thing that rajah Nobkissin, who is a Gentoo, should be employed by Mr. Hastings to found a Mahomedan college. We will allow Mr. Hastings, who is a Christian, or would be thought a Christian, to grow pious at last; and as many others have done, who have spent their lives in fraud, rapacity, and peculation, to seek amends, and to expiate his crimes, by charitable foundations. Nay, we will suppose Mr. Hastings to have taken it into his head to turn Mahomedan (Gentoo he could not) and to have designed, by a Mahomedan foundation, to expiate his offences. Be it so; but why should Nobkissin pay for it? We will pass over this also. But when your lordships shall hear of what nature that foundation was, I believe you will allow that a more extraordinary history never did appear in the world.

In the first place, he stated to the council on the 18th of April, 1781, that in the month of November, 1780, a petition was presented to him by a considerable number of Mussulmen; in compliance with which this Mahomedan college appears to have been founded. It next appears from his statement, that in the April following, (that is, within about six months after the foundation,) many students had finished their education. You see what a hot bed bribery and corruption is; our universities cannot furnish an education in six years. In India they have completed it within six months, and have taken their degrees.

Mr. Hastings says, I have supported this establishment to this time at my own expense, I desire the company will now defray the charge of it. He then calculates what the expenses were; he calculates that the building would cost about £6,000, and he gets from the company a bond to raise money for paying this £6,000. You apparently have the building now at the public expense, and Mr. Hastings still stands charged with the expense of the college for six months. He then proposes that a tract of land should be given for the college, to the value of about 3,000 odd pounds a year; and that in the mean time there should be a certain sum allotted

for its expenses. After this Mr. Hastings writes a letter from the Ganges to the company, in which he says not a word about the expense of the building; but says that the college was founded and maintained at his own expense, though it was thought to be maintained by the company; and he fixes the commencement of the expense in September, 1779. But after all, we find that the very professor, who was to be settled there, never so much as arrived in Calcutta, or showed his face there, till some time afterwards. And look at Mr. Larkins's private accounts, and you will find that he charges the expense to have commenced not until October, 1781. It is no error, because it runs through and is so accounted in the whole; and it thus appears, that he has charged, falsely and fraudulently, a year more for that establishment than it cost him.

At last then, when he was coming away, (for I hasten to the conclusion of an affair, ludicrous indeed in some respects, but not unworthy of your lordships' consideration,) "after remarking that he had experienced for three years the utility of this institution, he recommends that they will establish a fund for £3,000 a year for it, and give it to the master." He had left Gunga Govin Sing as a Gentoo legacy, and he now leaves the Mussulmen as a Mahomedan legacy, to the company. Your lordships shall now hear what was the upshot of the whole. The company soon afterwards hearing that this college was become the greatest nuisance in Calcutta, and that it had raised the cries of all the inhabitants against it; one of their servants, a Mr. Chapman, was deputed by the governor, Sir John Shore, to examine into it, and your lordships will find the account he gives of it in your minutes. In short, my lords, we find that this was a seminary of robbers, house-breakers, and every nuisance to society, so that the company was obliged to turn out the master, and to remodel the whole. Your lordships will now judge of the merits and value of this, one of the sets-off brought forward by the prisoner, against the charges which we have brought

forward against him; it began in injustice and peculation, and ended in a seminary for robbers and house-breakers.

Nothing now remains to be pressed by me upon your lordships' consideration, but the account given by the late governor-general, Earl Cornwallis, of the state in which he found the country left by his predecessor, Mr. Hastings, the prisoner at your bar. But patient as I know your lordships to be, I also know that your strength is not inexhaustible, and though what I have farther to add will not consume much of your lordships' time, yet I conceive that there is a necessity for deferring it to another day.

[Adjourned.

TRIAL.

MONDAY, 16TH JUNE, 1794.

NINTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—I should think it necessary to make an apology to your lordships, for appearing before you one day more, if I were inclined to measure this business, either by the standard of my own ability, or by my own impatience, or by any supposed impatience of yours. I know no measure in such a case, but the nature of the subject and the duty which we owe to it. You will therefore, my lords, permit me, in a few words, to lead you back to what we did yesterday, that you may the better comprehend the manner in which I mean to conclude the business to-day.

My lords, we took the liberty of stating to you the condition of Bengal, before our taking possession of it, and of the several classes of its inhabitants. We first brought before you the Mahomedan inhabitants, who had the judicial authority of the country in their hands; and we proved to you the utter ruin of that body of people, and with them of the justice of the country, by their being both one and the other sold to an infamous woman called Munny Begum. We next showed you, that the whole landed interest, the zemindars or Hindoo gentry of the country, was likewise ruined by its being given over by letting it on a five years' lease to infamous farmers, and giving it up to their merciless exactions;

and afterwards by subjecting the rank of those zemindars, their title deeds, and all their pecuniary affairs, to the minutest scrutiny, under pain of criminal punishment, by a commission granted to a nefarious villain, called Gunga Govin Sing. We lastly showed you, that the remaining third class, that of the English, was partly corrupted, or had its authority dissolved, and that the whole superintending English control was subverted or subdued; that the products of the country were diminished, and that the revenues of the company were dilapidated, by an overcharge of expenses in four years, to the amount of £500,000, in consequence of these corrupt, dangerous, and mischievous projects.

We have farther stated, that the company's servants were corrupted by contracts and jobs; we proved, that those that were not so corrupted, were removed from their stations or reduced to a state of abject dependance; we showed you the destruction of the provincial councils; the destruction of the council general; and the formation of a committee for no other ends whatever, but for the purposes of bribery, concealment, and corruption. We next stated some of the most monstrous instances of that bribery; and though we were of opinion, that in none of them any satisfactory defence worth mentioning had been made, yet we have thought that this should not hinder us from recalling to your lordships' recollection the peculiar nature and circumstances of one of those proceedings.

The proceedings, to which we wish to call your attention, are those belonging to the second bribe given by the nabob of Oude to Mr. Hastings. Mr. Hastings's own knowledge and opinion, that that money was set apart for his use, either in bills or assets, I have before stated; and I now wish to call your lordships' minute recollection to the manner in which the fraudulent impeachment of Mr. Middleton, for the purpose of stifling an inquiry into that business, was carried on. Your lordships will remember that I proved to you, upon the face of that proceeding, the collusive nature of the

accusation; and that the real state of the case was not charged; and that Mr. Hastings acquitted the party accused, of one article of the charge, not upon the evidence of the case, contrary to his own avowed, declared, moral certainty of his guilt, but upon a pretended appeal to the conscience of the man accused. He did not, however, give him a complete, formal, official acquittal, but referred the matter to the court of directors, who could not possibly know any thing of the matter, without one article of evidence whatever produced at the time, or transmitted. We lastly proved to you, that, after finding him guilty of five charges, and leaving the other to the court of directors, Mr. Hastings, without any reason assigned, appointed him to a great office in the company's service.

These proceedings were brought before you for two purposes;—first, to show the corrupt principle of the whole proceeding—next, to show the manner in which the company's servants are treated. They are accused and persecuted, until they are brought to submit to whatever terms it may be thought proper to impose upon them. They are then formally, indeed, acquitted of the most atrocious crimes charged against them; but virtually condemned upon some articles, with the scourge hung over them; and in some instances rewarded by the greatest, most honorable, and most lucrative situations in the company's service. My lords, it is on the same ground of the wicked, pernicious, and ruinous principles of Mr. Hastings's government, that I have charged this with every thing that is chargeable against him, namely, that if your lordships should ratify those principles by your acquittal of him, they become principles of government; rejected, indeed, by the Commons, but adopted by the Peerage of Great Britain.

There is another article which I have just touched; but which I must do more than barely notice, upon account of the evil example of it—I mean the taking great sums of *money*, under pretence of an entertainment. Your lordships

will recollect, that when this business was charged against him in India, Mr. Hastings neither affirmed nor denied the fact. Confession could not be there extorted from him. He next appeared before the House of Commons, and he still evaded a denial or a confession of it. He lastly appeared before your lordships, and in his answer to our charge, he in the same manner evaded either a confession or a denial. He forced us to employ a great part of a session, in endeavoring to establish what we have at last established, the receipt of the sums first charged, and of seven lacks more by him. At length the proof could not be evaded, and after we had fought through all the difficulties, which the law could interpose in his defence, and of which he availed himself with a degree of effrontery that has, I believe, no example in the world, he confesses, avows, and justifies his conduct. If the custom alleged be well founded, and be an honorable and a proper and just practice, why did he not avow it in every part and progress of our proceedings here? Why should he have put us to the necessity of wasting so many months in the proof of the fact? And why, after we have proved it, and not before, did he confess it, avow it, and even glory in it?

I must remind your lordships, that the sum, charged to be so taken by way of entertainment, made only a part, a single article, of the bribes charged by Nundcomar, to have been received by Mr. Hastings; and when we find him confessing, what he could not deny, that single article, and evading all explanation respecting the others, and not giving any reason whatever, why one was received, and the others rejected, your lordships will judge of the strong presumption of his having taken them all, even if we had given no other proofs of it. We think, however, that we have proved the whole very satisfactorily. But whether we have, or not, the proof of a single present received is sufficient; because the principle to be established respecting these bribes, is this—whether, or not, a governor-general, paying a visit to any of the poor,

miserable, dependent creatures, called sovereign princes in that country, (men whom Mr. Hastings has himself declared to be nothing but phantoms, and that they had no one attribute of sovereignty about them,) whether, I say, he can consider them to be such sovereign princes, as to justify his taking from them great sums of money by way of a present. The nabob, in fact, was not a sovereign prince, nor a country power in any sense, but that which the company meant to exempt from the custom of making presents. It was their design to prevent their servants from availing themselves of the real dependance of the nominal native powers, to extort money from them under the pretence of their sovereignty. Such presents, so far from being voluntary, were in reality obtained from their weakness, their hopeless and unprotected condition; and you are to decide, whether, or not, this custom, which is insisted upon by the prisoner's counsel, with great triumph, to be a thing which he could not evade, without breaking through all the usages of the country, and violating principles established by the most clear law of India, is to be admitted as his justification.

It was on this very account, namely, the extortion suffered by these people, under the name or pretence of presents, that the company first bound their servants by a covenant, which your lordships shall now hear read:—"That they shall not take any grant of lands, or rents, or revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian princes, soubahs, or nabobs, or any of their ministers, servants, or agents, for any service or services, or upon any account or pretence whatsoever, without the license or consent of the court of directors."

This clause in the covenant had doubtless a regard to Lord Clive, and to Sir Hector Munro, and to some others, who had received gifts, and grants of jaghires and other territorial revenues, that were confirmed by the company. But though this confirmation might be justifiable at a time, when

we had no real sovereignty in the country, yet the company very wisely provided afterwards, that, under no pretence whatever, should their servants have the means of extorting from the sovereigns, or pretended sovereigns, of the country, any of their lands or possessions. Afterwards it appeared that there existed abuses of a similar nature, and particularly, (as was proved before us in the year 1773, and reported to our House, upon the evidence of Mahomed Reza Khân,) the practice of frequently visiting the princes; and of extorting, under pretence of such visits, great sums of money.—All their servants, and the governor-general particularly, were therefore obliged to enter into the following covenant:—"That they shall not, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive, any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, or otherwise, howsoever, from any of the Indian princes, sovereigns, soubahs, or nabobs, or any of their ministers, servants, or agents, exceeding the value of 4,000 rupees, for any service or services performed by them in India, or upon any other account or pretence whatsoever."

By this covenant, my lords, Mr. Hastings is forbidden to accept, upon any pretence, and under any name, whatsoever, any sum above 4,000 rupees; that is to say, any sum above £400. Now, the sum that was here received, is £18,000 sterling, by way of a present, under the name of an allowance for an entertainment, which is the precise thing which his covenant was made to prevent. The covenant suffered him to receive £400;—if he received more than that money, he became a criminal; he had broken his covenant, and forfeited the obligation he had made with his masters. Think with yourselves, my lords, what you will do, if you acquit the prisoner of this charge. You will avow the validity, you will sanction the principle of his defence; for as the fact is avowed, there is an end of that.

Good God, my lords! Where are we? If they conceal

their gifts and presents, they are safe by their concealment; if they avow them, they are still safer. They plead the customs of the country, or rather the customs which we have introduced into the country; customs which have been declared to have their foundation in a system of the most abominable corruption, the most flagitious extortion, the most dreadful oppression; those very customs which their covenant is made to abolish. Think where your lordships are. You have before you a covenant, declaring, that he should take under no name whatever, (I do not know how words could be selected in the English language more expressive,) any sum more than £400. He says, I have taken £18,000; he makes his counsel declare, and he desires your lordships to confirm their declaration, that he is not only justifiable in so doing, but that he ought to do so; that he ought to break his covenant, and act in direct contradiction to it. He does not even pretend to say, that this money was intended, either inwardly or outwardly, avowedly or covertly, for the company's service. He put absolutely into his own pocket £18,000 besides his salary.

Consider, my lords, the consequences of this species of iniquity. If any servant of the company, high in station, chooses to make a visit from Calcutta to Moorshedabad; which Moorshedabad was then the residence of our principal revenue government; if he should choose to take an airing for his health; if he has a fancy to make a little voyage for pleasure as far as Moorshedabad, in one of those handsome barges or budgerows, of which you have heard so much in his charge against Nundcomar, he can put £20,000 into his pocket any day he pleases, in defiance of all our acts of parliament, covenants, and regulations.

Do you make your laws, do you make your covenants for the very purpose of their being evaded? Is this the purpose for which a British tribunal sits here, to furnish a subject for an epigram, or a tale for the laughter of the world? Believe, me, my lords, the world is not to be thus trifled with. But,

my lords, you will never trifle with your duty. You have a gross, horrid piece of corruption before you; impudently confessed, and more impudently defended. But you will not suffer Mr. Hastings to say, I have only to go to Moorshedabad, or to order the nabob to meet me half way, and I can set aside and laugh at all your covenants and acts of parliament. Is this all the force and power of the covenant, by which you would prevent the servants of the company from committing acts of fraud and oppression; that they have nothing to do but to amuse themselves with a tour of pleasure to Moorshedabad, in order to put any sum of money in their pocket that they please?

But they justify themselves by saying,—such things have been practised before. No doubt they have; and these covenants were made that they should not be practised any more. But your lordships are desired to say, that the very custom which the covenant is made to destroy;—the very grievance itself may be pleaded;—the abuse shall be admitted to destroy the law made to prevent it. It is impossible, I venture to say, that your lordships should act thus. The conduct of the criminal is not half so abhorrent as the justification is affronting to justice; whilst it tends to vilify and degrade the dignity of the peerage, and the character of the Commons of Great Britain, before the former and against the latter of which such a justification is produced in the face of the world.

At the same time that we call for your justice upon this man, we beseech you to remember, the severest justice upon him is the tenderest pity towards the innocent victims of his crimes. Consider what was at that time the state of the people, from whom, in direct defiance of his covenant, he took this sum of money. Were they at this time richer, were they more opulent, was the state of the country more flourishing, than when Mr. Sumner, when Mr. Vansittart, in short, than when the long line of Mr. Hastings's predecessors visited that country? No; they were not.—Mr. Hastings at

this very time had reduced the nabob's income from £450,000 sterling a year, exclusive of other considerable domains and revenues, to £160,000. He was indeed an object of compassion. His revenues had not only been reduced, during his state of minority, but they were reduced when he afterwards continued in a state in which he could do no one valid act; and yet, in this state, he was made competent to give away, under the name of compensation for entertainments, the sum of £18,000; perhaps at that time nearly all he had in the world.

Look at your minutes, and you will find Mr. Hastings had just before this time said, that the bread of ten thousand persons, many of them of high rank, depended upon the means possessed by the nabob for their support; — that his heart was cut and afflicted to see himself obliged to ruin and starve so many of the Mahomedan nobility; the greatest part of whose yet remaining miserable allowances were now taken away. You know, and you will forgive me again remarking, that it is the nature of the eagles and more generous birds of prey, to fall upon living healthy victims; but that vultures, and carrion crows, and birds of that base and degenerate kind, always prey upon dead or dying carcases. It is upon ruined houses; it is upon decayed families; it is upon extinguished nobility, that Mr. Hastings chooses to prey, and to justify his making them his prey.

But again we hear, my lords, that it is a custom, upon ceremonial and complimentary visits, to receive these presents. Do not let us deceive ourselves. Mr. Hastings was there upon no visit either of ceremony or politics; he was a member, at that time, of the committee of circuit, which went to Moorshedabad for the purpose of establishing a system of revenue in the country; he went up upon that business, only as a member of the committee of circuit, for which business he was, like other members of the committee of circuit, amply paid, in addition to his emoluments, as governor, which amounted to about £30,000 a year. Not satisfied

with those emoluments, and without incurring new known expense of any kind or sort, he was paid for the extra expenses of his journey, as appears in your minutes, like other members of the committee of circuit. In fact, he was on no visit there at all. He was merely executing his duty in the settlement of the revenue, as a member of the committee of circuit. I do not mean to praise the committee of circuit in any way; God forbid I should; for we know that it was a committee of robbers. He was there as one of that committee, which I am pretty well justified in describing, as I have done, because the court of directors, together with the board of control, did, in the year 1786, declare that the five years' settlement (which originated in that committee) was a thing bought and sold; your lordships may read it whenever you please, in the 80th paragraph of their letter.

Your lordships are now fully in possession of all the facts, upon which we charge the prisoner with peculation; by extorting or receiving large sums of money, upon pretence of visits, or in compensation of entertainments. I appeal to your lordships' consciences for a serious and impartial consideration of our charge. This is a business not to be hurried over in the mass, as amongst the acts of a great man, who may have his little errors among his great services; no; you cannot, as a judicial body, huddle all this into a hotchpotch, and decide upon it in a heap. You will have to ask yourselves, Is this justifiable by his covenant; is this justifiable by law; is this justifiable under the circumstances of the case, by an enlarged discretion? Is it to be justified under any principles of humanity? Would it be justifiable by local customs, if such were applicable to the case in question; and even if it were, is it a practice fit for an English governor-general to follow?

I dwell the longer upon this, because the fact is avowed; the whole is an issue of law between us; whether a governor-general, in such a case, ought to take such money; and

therefore, before I finally dismiss it, I beg leave to restate it briefly, once more for your lordships' consideration.

First, I wish to leave fixed in your lordships' minds, what is distinctly fixed, and shall never go out of ours, that his covenant did not allow him to take above £400 as a present, upon any pretence whatsoever.

Your lordships will observe, we contend, that, if there was a custom, this covenant puts an end to that custom. It was declared and intended so to do. The fact is, that, if such custom existed at all, it was a custom applicable only to an ambassador or public minister, sent on a necessary complimentary visit to a sovereign prince. We deny, positively, that there is any such general custom. We say, that he never was any such minister, and that he never went upon any such complimentary visit. We affirm, that, when he took this money, he was doing an act of quite another nature, and came upon that business only to Moorshedabad, the residence of the prince of the country. Now, do you call a man, who is going to execute a commission, a commission more severe than those issued against bankrupts; a commission to take away half a man's income, and to starve a whole body of people dependent upon that income; do you call this a complimentary visit? Is this a visit, for which a man is to have great entertainments given him? No; the pretence for taking this money is worse than the act itself. When a man is going to execute upon another such harsh cruelty; when he is going upon a service, at which he himself says his mind must revolt; is that precisely the time, when he is to take from his undone host a present; as if he was upon a visit of compliment, or about to confer some honor or benefit upon him, to augment his revenues, to add to his territories, or to conclude some valuable treaty with him? Was this a proper time to take at all from an helpless minor so large a sum of money? And here I shall leave this matter for your lordships' consideration, after reminding you, that this poor nabob is still at Moorshedabad, and at the mercy of any Eng-

lish gentleman, who may choose to take £18,000, or any other given sum of money from him, after the example of the prisoner at your bar, if it should be sanctioned by your connivance. Far different was the example set him by General Clavering. In page 1269, your lordships will find the most honorable testimony to the uprightness and fidelity of this meritorious servant of the company. It runs thus: "Conceiving it to be the intention of the legislature, that the governor-general and members of the council should receive no presents, either from the Indian powers, or any persons whatever, he [General Clavering] has strictly complied, since his arrival here, both with the spirit and the letter of the act of parliament, and has accordingly returned all the presents which have been made to him." I have dwelt thus long upon this subject, not merely upon account of its own corrupt character, which has been sufficiently stigmatized by my honorable colleague, but upon account of the principle that is laid down by the prisoner, in his defence of his conduct;—a principle directly leading to a continuance of the same iniquitous practice, and subversive of every attempt to check or control it.

I must beg leave to recall your lordships' attention to another but similar instance of his peculation; another and new mode of taking presents—I mean the present, which Mr. Hastings took through Gunga Govin Sing from those farmers of the revenues, amongst whom he had distributed the pillage of the whole country. This scandalous breach of his covenant he attempts to justify, by the inward intention of his own mind, to apply the money, so taken, to the public service. Upon this, my lords, I shall only observe, that this plea of an inward intention in his own mind may, if admitted, justify any evil act, whatever, of this kind. You have seen, how presents from the nabob are justified. You have seen, how the taking a sum of money, or allowance for entertainment, directly contrary to the covenant, how that is attempted to be justified. You see in what manner he justi-

fies this last-mentioned act of peculation, and your lordships will now have to decide upon the validity of these pleas. There still remains unobserved upon an instance of his malversation, wholly new in its kind, to which I will venture to desire your lordships very seriously to turn your attention. In all the cases of peculation, or malversation in office, that ever have been tried before this high court, or before any lower court of judicature, in all the judicial records of modern crimes, or of antiquity, you will not find any thing in any degree like it. We have all, in our early education, read the Verrine Orations. We may read them, not merely to instruct us, as they will do, in the principles of eloquence, and to acquaint us with the manners, customs, and laws of the ancient Romans, of which they are an abundant repository; but we may read them from a much higher motive. We may read them from a motive, which the great author had doubtless in his view, when, by publishing them, he left to the world and to the latest posterity a monument, by which it might be seen, what course a great public accuser, in a great public cause, ought to pursue; and, as connected with it, what course judges ought to pursue, in deciding upon such a cause. In these Orations, you will find almost every instance of rapacity and peculation, which we charge upon Mr. Hastings. Undoubtedly, many Roman and English governors have received corrupt gifts and bribes, under various pretences. But in the cause before your lordships, there is one species of disgrace in the conduct of the party accused, which I defy you to find in Verres, or in the whole tribe of Roman peculators, in any governor-general, pro-consul, or viceroy. I desire you to consider it not intended, in any other class of crimes, but as a species apart by itself. It is an individual, a single case: but it is like the phœnix, it makes a class or species by itself—I mean the business of Nobkissin. The money taken from him was not money pretended to be received in lieu of entertainment; it was not money taken from a farmer-general of revenue, out of an idea

that his profits were unreasonable, and greater than government ought to allow; it was not a donation from a great man, as an act of his bounty. No; it was a sum of money taken from a private individual, or rather, as has been proved to you by Mr. Larkins, his own book-keeper, money borrowed, for which he had engaged to give his bond. That he had actually deposited his bond for this money, Mr. Larkins has proved to you; and that the bond was carried to Nobkissin's credit, in his account with the government. But Mr. Hastings, when he was called upon for the money, withdraws the bond; he will not pay the money, he refused to pay it upon the applications made to him, both in India, and here at home; and he now comes to your lordships, and says, I borrowed this money; I intended to give my bond for it, as has been proved before you; but I must have it for my own use. We have heard of governors being every thing that is bad and wicked; but a governor putting himself in the situation of a common cheat, of a common swindler, never was, I believe, heard of, since the creation of the world, to this day. This does not taste of the common oppressions of power; this does not taste of the common abuses of office; but it in no way differs from one of those base swindling cases, that come to be tried, and heavily punished, in the king's bench every day. This is neither more nor less, than a plain barefaced cheat.

Now, my lords, let us see how it is justified. To justify openly and directly a cheat;—to justify a fraud upon an individual, is reserved for our times. But, good Heavens, what a justification have we here! Oh, my lords, consider into what a state Indian corruption has brought us in this country, when any person can be found to come to the bar of the house of lords, and say, I did cheat; I did defraud; I did promise and gave my bond; I have now withdrawn it; but I will account for it to you as to a gang of robbers concerned with me in the transaction. I confess I robbed this man, but I have acted as trustee for the gang. Observe what I have

done for the gang; come forward Mr. Auriol, and prove what handsome budgerows I gave the company; were not they elegantly painted, beautifully gilt, charming and commodious? I made use of them as long as I had occasion; and, though they are little worse for wear, and would hardly suffer the least per centage deduction from prime cost upon them, I gave them to the company. Oh, I did not put the money into my own pocket; I provided for myself, and wore a suit of lace clothes, when I was Jew bail for some of this company; it will turn, for it is hardly the worse for wear, though I appeared two or three times in different characters, as bail for you on such and such an occasion; I therefore set off these items against this money which I gained by swindling on your account. It is true, I also picked such a one's pocket of a watch; here it is; I have worn it as long as it was convenient; now I give the watch to the company, and let them send it to the pawnbroker for what it will bring. Besides all this, I maintained aid-de-camps for you, and gave them house rent. (By the way, my lords, what sort of aid-de-camps were these? Who made him a military man, and to have such a legion of aid-de-camps?) But, says he, I paid house rent for them; that is, in other words, I paid at night cellars, and houses in Saint Giles's, sixpence a week for some of the gang. (This, my lords, is the real spirit of the whole proceeding, and more especially of the last item in it.) Then, says he, I was the gang's schoolmaster, and taught lessons on their account. I founded a Mahomedan school; (your lordships have alrealy heard something of this shameful affair, of this scene of iniquity, I think of such iniquity as the world never yet had to blush at.) I founded a Mahomedan college for your use, and I bore the expense of it from September 1780, when I placed a professor there, called Muged O'den. This Muged O'den was to perfect men by contract, in all the arts and sciences, in about six months; and the chief purpose of the school was, as Mr. Hastings himself tells you, to breed theologians, magistrates, and molavies,

that is to say, judges and doctors of law, who were to be something like our masters in chancery, the assessors of judges, to assist them in their judgments. Such was the college founded by Mr. Hastings, and he soon afterwards appropriated one of the company's estates (I am speaking of matters of public notoriety) worth £3,000 a year, for its support. Heaven be praised, that Mr. Hastings, when he was resolved to be pious and munificent, and to be a great founder, chose a Mahomedan rather than a Christian foundation; so that our religion was not disgraced by such a foundation.

Observe how he charges the expense of the foundation to the company twice over.—He first makes them set aside an estate of £3,000 a year for its support. In what manner this income was applied during Mr. Hastings's stay in India, no man living knows; but we know that, at his departure, one of the last acts he did was to desire it should be put into the hands of Muged O'den. He afterwards, as you have seen, takes credit to himself with the company, for the expenses relative to this college. I must now introduce your lordships to the last visitation that was made of this college. It was visited by order of Lord Cornwallis, in the year 1788, upon the complaints made against it, which I have already mentioned to your lordships; that it was a sink of filth, vermin, and misery. Mr. Chapman, who was the visitor, and the friend of Mr. Hastings, declares that he could not sit in it even for a few minutes. His words are, "The wretched, squalid figures, that from every part ran out upon me, appeared to be more like any thing else than students." In fact a universal outcry was raised by the whole city against it, not only as a receptacle of every kind of abuse; not only of filth and excrements, which made it stink in the natural nostrils, but of worse filth, which made it insufferably offensive to the moral nostrils of every inhabitant. Such is the account given of a college supported at an expense of £3,000 a year, (a handsome foundation for a college,) and for building which the company was charged £5,000;

though no vouchers of its expenditure were ever given by Mr. Hastings. But this is not all. When Lord Cornwallis came to inquire into it, he found that Muged O'den had sunk the income of the estate from £3,000 to £2,000 a year. In short, that it had been a scene of peculation, both by the masters and scholars, as well as of abandonment to every kind of vicious and licentious courses; and all this without the shadow of any benefit having been derived from it. The visitors expressly inquired, whether there was any good mixed with all this evil; and they found it was all bad and mischievous, from one end to the other. Your lordships will remark, that the greatest part of this disgusting business must have been known to Mr. Hastings, when he gave to Muged O'den the disposal of £3,000 a year.—And now, my lords, can you vote this money, expended in the manner which I have stated to you, to be a set-off in his favor, in an account for money which was itself swindled from a private individual?

But there still remains behind another more serious matter belonging to this affair, and I hope you will not think that I am laying too much stress upon it, when I declare, that, if I were to select from the whole of his conduct one thing more dishonorable than another to the British nation, it would be that which I am now about to mention. I will leave your lordships to judge of the sincerity of this declaration, when you shall have heard read a paper, produced by the prisoner in justification of conduct, such as I have stated his to have been. It is the razynama, or attestation of Munny Begum, (the woman whom Mr. Hastings placed in the seat of justice in that country,) concerning this college, made precisely at the time of this inquisition by Lord Cornwallis, into the management of it. Your lordships will see what sort of things attestations are from that country; that they are attestations procured in diametrical contradiction to the certain knowledge of the party attesting. It is in page 2350 of your minutes. Indeed, my lords, these are pages, which, unless they are

effaced by your judgment, will rise up in judgment against us, some day or other.

"He [Mr. Hastings] respected the learned and wise men, and, in order for the propagation of learning, he built a college, and endowed it with a provision for the maintenance of the students, insomuch that thousands reaping the benefits thereof offer up their prayers for the prosperity of the king of England, and for the success of the company."

I must here remind your lordships of another attestation of the same character, and to the same effect. It comes from Mahomed Reza Khân, who, as your lordships will remember, had been reduced by Mr. Hastings from a situation of the highest rank and authority, with an income of suitable magnitude, to one of comparative insignificance, with a small salary annexed. This man is made to disgrace himself, and to abet the disgrace and injury done to his country, by bearing his testimony to the merits of this very college.

I hope your lordships will never lose sight of this aggravating circumstance of the prisoner's criminality; namely, that you never find any wicked, fraudulent, and criminal act, in which you do not find the persons, who suffered by it, and must have been well acquainted with it, to be the very persons who are brought to attest in its favor. O Heaven! but let shame for one moment veil its face; let indignation suppress its feelings, whilst I again call upon you to view all this as a mere swindling transaction, in which the prisoner was attempting to defraud the company. Mr. Hastings has declared, and you will find it upon the company's records, that this institution (which cost the company not less than £40,000 in one way or other) did not commence before October, in the year 1780; and he brings it before the board in April, 1781, that is, about six months after its foundation. Now look at his other account, in which he makes it to begin in the year 1779, and in which he has therefore over-

charged the expenses of it a whole year; but Mr. Larkins, who kept this latter account for him may have been inaccurate. Good Heavens, where are we! Mr. Hastings, who was bred an accountant, who was bred in all sorts of trade and business, declares that he keeps no accounts. Then comes Mr. Larkins, who keeps an account for him; but he keeps a false account. Indeed, all the accounts from India, from one end to another, are nothing but a series of fraud, while Mr. Hastings was concerned in them. Mr. Larkins, who keeps his private account just as his master kept the public accounts, has swindled from the company a whole year's expenses of this college. I should not thus repeatedly dwell upon this transaction, but because I wish your lordships to be cautious how you admit such accounts at all to be given in evidence, into the truth of which you cannot penetrate in any regular way. Upon the face of the two accounts there is a gross fraud. It is no matter which is true or false; as it is an account which you are in no situation to decide upon. I lay down this as a fixed judicial rule, that no judge ought to receive an account, (which is as serious a part of a judicial proceeding as can be,) the correctness of which he has no means of ascertaining, but must depend upon the sole word of the accountant.

Having stated therefore the nature of the offence, which differs nothing from a common dog-trot fraud, such as we see amongst the meanest of mankind; your lordships will be cautious how you admit these, or any other of his pretended services, to be set off against his crimes. These stand on record confessed before you; the former, of which you can form no just estimate, and into which you cannot enter, rest for their truth upon his own assertions; and they all are found, upon the very face of them, to carry marks of fraud as well as of wickedness.

I have only further to observe to your lordships, that this Muged O'den, who, under the patronage of Mr. Hastings, was to do all these wonders, Lord Cornwallis turned out of *his* office, with every mark of disgrace, when he attempted

to put into some more respectable state that establishment, which Mr. Hastings had made a sink of abuse.

I here conclude all that I have to say upon this business, trusting that your lordships will feel yourselves more offended, and justice more insulted by the defence, than by the criminal acts of the prisoner at your bar; and that your lordships will concur with us in thinking, that to make this unhappy people make these attestations, knowing the direct contrary of every word which they say to be the truth, is a shocking aggravation of his guilt. I say they must know it. For Lord Cornwallis tells you, it is notorious; and if you think fit to inquire into it, you will find that it was unusually notorious.

My lords, we have now brought to a conclusion our observation upon the effects produced by that mass of oppressions, which we have stated and proved before your lordships; namely, its effects upon the revenues, and upon the public servants of the company. We have shown you how greatly the former were diminished, and in what manner the latter were reduced to the worst of all bad states, a state of subserviency to the will of the governor-general. I have shown your lordships that in this state they were not only rendered incapable of performing their own duty, but were fitted for the worst of all purposes, coöperation with him in the perpetration of his criminal acts, and collusion with him in the concealment of them. I have lastly to speak of these effects, as they regard the general state and welfare of the country. And here your lordships will permit me to read the evidence given by Lord Cornwallis, a witness called by the prisoner at your bar, Mr. Hastings himself.

The evidence of Lord Cornwallis, page 2721: "*Q.* Whether your lordship recollects an account, that you have given to the court of directors, in your letter of the 2d of August, 1789, concerning the state of those provinces? *A.* I really could not venture to be particular as to any letter I

may have written so long since, as I have brought no copies of my letters with me from India, having left them at Bengal when I went to the coast.—*Q.* Whether your lordship recollects in any letter, that you wrote about the 2d of August, 1789, paragraph 18, any expressions to this effect, namely, 'I am sorry to be obliged to say, that agriculture and internal commerce have, for many years, been gradually declining, and that at present, excepting the class of shroffs and banyans, who reside almost entirely in great towns, the inhabitants of these provinces were advancing hastily to a general state of poverty and wretchedness;' whether your lordship recollects that you have written a letter to that effect? *A.* I cannot take upon me to recollect the words of a letter that I have written five years ago, but I conclude I must have written to that effect.—*Q.* Whether your lordship recollects, that in the immediately following paragraph, the 19th, you wrote to this effect: 'In this description, namely the foregone description, I must even include almost every zemindar in the company's territories, which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of management, paragraph 20. The settlement, in conformity to your orders, will only be made for ten years certain, with the notification of its being your intention to declare it a perpetual, an unalterable assessment of these provinces, if the amount and the principles upon which it has been made should meet with your approbation;' whether your lordship recollects to have written something to the effect of these two last paragraphs, as well as of the first? *A.* I do recollect that I did write it; but in that letter I alluded to the former system of annual assessments.—*Q.* Whether your lordship recollects, that you wrote, on or about the 18th of September, 1789, in one of your minutes, thus, 'I may safely assert, that one third of the company's territory in Indostan, is now a jungle, inhabited only by wild

beasts; will a ten years' lease induce any proprietor to clear away that jungle, and encourage the rajot to come and cultivate his lands, when at the end of that lease he must either submit to be taxed *ad libitum* for the newly cultivated lands, or lose all hopes of deriving any benefit from his labor, for which, perhaps, by that time he will hardly be repaid;' whether your lordship recollects a minute to that effect? *A.* I perfectly recollect to have written that minute.—*Q.* Now with respect to a letter, dated November the 3d, 1788, paragraph 38, containing the following sentiments: 'I shall therefore only remark in general, that, from frequent changes of system or other reasons, much is wanting to establish good order and regulations in the internal business of the country, and that, from various causes, by far the greatest part of the zemindars, and other landholders and renters, are fallen into a state much below that of wealth and affluence; this country, however, when the fertility of its soil, and the industry and ingenuity of its numerous inhabitants are taken into consideration, must unquestionably be admitted to be one of the finest in the world; and, with the uniform attention of government to moderation in exaction, and to a due administration of justice, may long prove a source of great riches, both to the company and to Britain. Paragraph 39, I am persuaded, that by a train of judicious measures, the land revenue of these provinces is capable in time of being increased; but consistent with the principles of humanity, and even those of your own interest, it is only by adopting measures for the gradual cultivation and improvement of these waste lands, and by a gentle and cautious plan for the resumption of lands that have been fraudulently alienated, that it ought ever to be attempted to be accomplished. Men of speculative and sanguine dispositions, and others, either from the ignorance of the subject, or with views of recommending themselves to your favor, may confidently hold forth specious grounds to encourage you to hope, that a great and immediate accession to that branch of your revenue

might be practicable; my public duty obliges me to caution you, in the most serious manner, against listening to propositions which recommend this attempt, because I am clearly convinced, that if carried into execution they would be attended with the most baneful consequences. Paragraph 40. Desperate adventurers, without fortune or character, would undoubtedly be found, as has already been too often experienced, to rent the different districts of the country at the highest rates that could be put upon them; that the delusion would be of a short duration, and the impolicy and inhumanity of the plan would, when perhaps too late for effectual remedy, become apparent, by the complaints of the people and the disappointments at the treasury in the payments of the revenue, and would probably terminate in the ruin and depopulation of the unfortunate country;' whether your lordship recollects to have written any thing to that effect about that time? *A.* I perfectly recollect having written the extracts that have been read."

My lords, Lord Cornwallis has been called, he has been examined before you. We stopped our proceedings ten days for the purpose of taking his evidence. We do not regret this delay; and he has borne the testimony which you have heard, to the effects of Mr. Hastings's government; of a country once the most fertile and cultivated; of a people the most industrious, flourishing, and happy; that the one was wasted and desolated, the other reduced to a condition of want and misery; and that the zemindars, that is, the nobility and gentry of the country, were so beggared, as not to be able to give even a common, decent education to their children, notwithstanding the foundation of Mr. Hastings's colleges. You have heard this noble person, who had been an eye-witness of what he relates, supplicating for their relief, and expressly stating, that most of the complicated miseries, and perhaps the cruellest of the afflictions they endured, arose from the management of the country having been taken

out of the hands of its natural rulers, and given up to Mr. Hastings's farmers, namely, the banyans of Calcutta. These are the things that ought to go to your lordships' hearts. You see a country wasted and desolated. You see a third of it become a jungle for wild beasts. You see the other parts oppressed by persons in the form and shape of men, but with all the character and disposition of beasts of prey. This state of the country is brought before you, and by the most unexceptionable evidence, being brought forward through Mr. Hastings himself. This evidence, whatever opinion you may entertain of the effrontery or of the impudence of the criminal who has produced it, is of double and treble force. And yet, at the very time when Lord Cornwallis is giving this statement of the country and its inhabitants, at the very time when he is calling for pity upon their condition, are these people brought forward to bear testimony to the benign and auspicious government of Mr. Hastings, directed, as your lordships know it was, by the merciful and upright Gunga Govin Sing.

My lords, you have now the evidence of Lord Cornwallis, on the one hand, and the razynamas of India, on the other. But before I dismiss this part of my subject, I must call your lordships' attention to another authority; to a declaration strictly speaking, *legal*, of the state to which our Indian provinces were reduced, and of the oppressions, which they have suffered during the government of Mr. Hastings. I speak of the Act 24 Geo. 3, cap. 25; intituled, "An Act for the better regulation and management of the affairs of the *East India* Company, and of the *British* Possessions in *India;* and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the *East Indies;*" § 39.

My lords, here is an act of parliament; here are regulations enacted in consequence of an inquiry which had been directed to be made into the grievances of India for the redress of them. This act of parliament declares the exist-

ence of oppressions in the country. What oppressions were they? The oppressions which it suffered by being let out to the farmers of the company's revenues. Who was the person that sold these revenues to the farmers? Warren Hastings. By whom were these oppressions notified to the court of directors? By Lord Cornwallis. Upon what occasion were these letters written by my Lord Cornwallis? They were answers to inquiries made by the court of directors, and ordered by an act of parliament to be made. The existence then of the grievances, and the cause of them, are expressly declared in an act of parliament. It orders an inquiry, and Lord Cornwallis, in consequence of that inquiry, transmits to the court of directors this very information; he gives you this identical state of the country; so that it is consolidated, mixed, and embodied with an act of parliament itself, which no power on earth, I trust, but the power that made it, can shake. I trust, I say, that neither we, the Commons, nor you, the Lords, nor his Majesty, the sovereign of this country, can shake one word of this act of parliament, —can invalidate the truth of its declaration, or the authority of the persons, men of high honor and character, that made that inquiry and this report. Your lordships must repeal this act in order to acquit Mr. Hastings.

But Mr. Hastings and his counsel have produced evidence against this act of parliament, against the order of the court of directors, by which an inquiry and report were made under that act, against Lord Cornwallis's return to that inquiry; and now, once for all, hear what the miserable wretches are themselves made to say, to invalidate the act of parliament, to invalidate the authority of the court of directors, to invalidate the evidence of an official return of Lord Cornwallis under the act. Pray hear what these miserable creatures describe as an Elysium, speaking with rapture of their satisfaction under the government of Mr. Hastings.

"All we, zemindars, choudries, and talookdars of the dis-

trict of Akbarnagur, commonly called Raje Mhal, in the kingdom of Bengal, have heard, that the gentlemen in England are displeased with Mr. Hastings, on suspicion that he oppressed us, inhabitants of this place, took our money by deceit and force, and ruined the country; therefore we, upon the strength of our religion and religious tenets, which we hold as a duty upon us, and in order to act conformable to the duties of God, in delivering evidence, relate the praiseworthy actions, full of prudence and rectitude, friendship and politeness of Mr. Hastings, possessed of great abilities and understanding, and by representing facts, remove the doubts that have possessed the minds of the gentlemen in England;—that Mr. Hastings distributed protection and security to religion, and kindness and peace to all; he is free from the charge of embezzlement and fraud, and that his heart is void of covetousness and avidity; during the period of his government, no one experienced from him other than protection and justice, never having felt hardships from him, nor did the poor ever know the weight of an oppressive hand from him.

"Our characters and reputations have always been guarded in quiet from attack by the vigilance of his power and foresight, and preserved by the terror of his justice; he never omitted the smallest instance of kindness and goodness towards us and those entitled to it, but always applied by soothings and mildness the salve of comfort to the wounds of affliction, not allowing a single person to be overwhelmed by despair; he displayed his friendship and kindness to all; he destroyed the power of the enemies and wicked men by the strength of his terror; he tied the hands of tyrants and oppressors by his justice, and by this conduct he secured happiness and joy to us; he reëstablished the foundation of justice, and we at all times, during his government, lived in comfort and passed our days in peace; we are many, many of us satisfied and pleased with him. As Mr. Hastings was perfectly well acquainted with the manners and customs of

these countries, he was always desirous of performing that which would tend to the preservation of our religion, and of the duties of our sects, and guard the religious customs of each from the effects of misfortune and accidents; in every sense he treated us with attention and respect; we have represented, without deceit, what we have ourselves seen, and the facts that happened from him."—This, my lords, is in page 2374 of the printed minutes.

My lords, we spare you the reading of a great number of these attestations; they are all written in the same style; and it must appear to your lordships a little extraordinary, that as they are said to be totally voluntary, as the people are represented to be crowding to make these testimonials, there should be such an unison in the heart to produce a language that is so uniform, as not to vary so much as in a single tittle; that every part of the country, every province, every district, men of every cast, and of every religion, should all unite in expressing their sentiments in the very same words, and in the very same phrases. I must fairly say, it is a kind of miraculous concurrence, a miraculous gratitude. Mr. Hastings says, that gratitude is lost in this part of the world. There it blooms and flourishes, in a way not to be described. In proportion as you hear of the miseries and distresses of these very people, in the same proportion do they express their comfort and satisfaction, and that they never knew what a grievance was of any sort. Lord Cornwallis finds them aggrieved, the court of directors find them aggrieved, the parliament of Great Britain find them aggrieved, and the court here find them aggrieved, but they never found themselves aggrieved. Their being turned out of house and home, and having all their land given to farmers of revenue for five years to riot in, and despoil them of all they had, is what fills them with rapture. They are the only people, I believe, upon the face of the earth, that have no complaints to make of their government, in any instance whatever.

Theirs must be something superior to the government of angels; for I verily believe, if one out of the choir of the heavenly angels were sent to govern the earth, such is the nature of man, that many would be found discontented with it. But these people have no complaint, they feel no hardships, no sorrow. Mr. Hastings has realized more than the golden age. I am ashamed for human nature, I am ashamed for our government, I am ashamed for this court of justice, that these things are brought before us; but here they are, and we must observe upon them.

My lords, we have done on our part; we have made out our case; and it only remains for me to make a few observations upon what Mr. Hastings has thought proper to put forward in his defence. Does he meet our case with any thing but these general attestations, upon which I must first remark, that there is not one single matter of fact touched upon in them? Your lordships will observe, and you may hunt them out through the whole body of your minutes, that you do not find a single fact mentioned in any of them. But there is an abundance of panegyric; and if we were doing nothing bnt making satires, as the newspapers charge us with doing against Mr. Hastings, panegyric would be a good answer.

But Mr. Hastings sets up pleas of merit upon this occasion. Now, undoubtedly no plea of merit can be admitted to extinguish, as your lordships know very well, a direct charge of crime; merit cannot extinguish crime. For instance, if Lord Howe, to whom this country owes so much as it owes this day for the great and glorious victory which makes our hearts glad, and I hope will ensure the security of this country; yet if Lord Howe, I say, was charged with embezzling the king's stores, or applying them in any manner unbecoming his situation, to any shameful or scandalous purpose; if he was accused of taking advantage of his station to oppress any of the captains of his ships; if he was stated to have gone into a port of the allies of this country, and to have

plundered the inhabitants, to have robbed their women, and broken into the recesses of their apartments; if he had committed atrocities like these, his glorious victory could not change the nature and quality of such acts.

My Lord Malmesbury has been lately sent to the king of Prussia, and we hope and trust that his embassy will be successful, and that this country will derive great benefit from his negotiations. But if Lord Malmesbury, from any subsidy that was to be paid to the king of Prussia, was to put £50,000 in his own pocket, I believe that his making a good and advantageous treaty with the king of Prussia would never be thought a good defence for him. We admit, that, if a man has done great and eminent services, though they cannot be a defence against a charge of crimes, and cannot obliterate them; yet, when sentence comes to be passed upon such a man, you will consider first, whether his transgressions were common lapses of human frailty, and whether the nature and weight of the grievances resulting from them were light in comparison with the services performed. I say that you cannot acquit him. But your lordships might think some pity due to him, that might mitigate the severity of your sentence. In the second place, you would consider whether the evidence of the services, alleged to be performed, was as clear and undoubted as that of the crimes charged. I confess that, if a man has done great services, it may be some alleviation of lighter faults; but then they ought to be urged as such,—with modesty, with humility, with confession of the faults; and not with a proud and insolent defiance. They should not be stated as proofs that he stands justified in the eye of mankind, for committing unexampled and enormous crimes. Indeed humility, suppliant guilt, always makes impression in our bosoms; so that, when we see it before us, we always remember that we are all frail men; and nothing but a proud defiance of law and justice can make us forget this for one moment. I believe the Commons of Great Britain, and I hope the persons that speak to you, know very well

how to allow for the faults and frailties of mankind equitably.

Let us now see what are the merits which Mr. Hastings has set up against the just vengeance of his country, and against his proved delinquencies. From the language of the prisoner, and of his counsel, you would imagine some great, known, acknowledged services had been done by him. Your lordships recollect that most of these presumed services have been considered, and we are persuaded justly considered as in themselves crimes. He wishes your lordships to suppose and believe, that these services were put aside, either because we could not prove the facts against him, or could not make out that they were criminal, and consequently that your lordships ought to presume them to have been meritorious; and this is one of the grounds upon which he demands to be acquitted of the charges that have been brought forward and proved against him. Finding in our proceedings, and recorded upon our journals, an immense mass of criminality with which he is charged; and finding that we had selected, as we were bound to select, such parts as might be most conveniently brought before your lordships, (for to have gone through the whole would have been nearly impossible,) he takes all the rest that we have left behind and have not brought here as charges, and converts them, by a strange metamorphosis, into merits.

My lords, we must insist, on the part of the House of Commons, we must conjure your lordships, for the honor of a coördinate branch of the legislature, that, whenever you are called upon to admit what we have condemned as crimes to be merits, you will at least give us an opportunity of being heard upon the matter; that you will not suffer Mr. Hastings, when attempting to defend himself against our charges, in an indirect and oblique manner, to condemn or censure the House of Commons itself, as having misrepresented to be crimes the acts of a meritorious servant of the public. Mr. Hastings has pleaded a variety of merits, and every one of

these merits, without the exception of one of them, have been either directly censured by the House of Commons, and censured as a ground for legislative provision, or they remain upon the records of the House of Commons, with the vouchers for them, and proofs; and though we have not actually come to the question upon every one of them, we had come before the year 1782 to forty-five direct resolutions upon his conduct. These resolutions were moved by a person to whom this country is under many obligations, and whom we must always mention with honor, whenever we are speaking of high situations in this country, and of great talents to support them, and of long public services in the House of Commons. I mean Mr. Dundas, then lord advocate of Scotland, and now one of the principal secretaries of state, and at the head, and worthily and deservedly at the head, of the East Indian department. This distinguished statesman moved forty-five resolutions, the major part of them directly condemning these very acts, which Mr. Hastings has pleaded as his merits, as being delinquencies and crimes. All that the House of Commons implore of your lordships is, that you will not take these things, which we call crimes, to be merits, without hearing the House of Commons upon the subject-matter of them. I am sure you are too noble and too generous, as well as too just and equitable, to act in such a manner.

The first thing that Mr. Hastings brings forward in his defence is, that, whereas the company were obliged to pay a certain tribute to the mogul, in consideration of a grant by which the moguls gave to us the legal title under which we hold the provinces of Bengal, Bahar, and Orissa, he did stop the payment of that tribute or acknowledgment, small as it was; that though bound by a treaty recognised by the company, and recognised by the nation; though bound by the very sunnud by which he held the very office he was exercising, yet he had broken the treaty, and refused to pay the stipulated acknowledgment. Where are we, my lords? Is

this merit? Good God Almighty! the greatest blockhead, the most ignorant, miserable wretch, a person without either virtue or talents, has nothing to do but to order a clerk to strike a pen through such an account, and then to make a merit of it to you. Oh! says he, I have by a mere breach of your faith, by a single dash of my pen, saved you all this money, which you were bound to pay. I have exonerated you from the payment of it. I have gained you £250,000 a year for ever. Will you not reward a person, who did you such a great and important service, by conniving a little at his delinquencies?

But the House of Commons will not allow that this was a great and important service; on the contrary, they have declared the act itself to be censurable. There is our resolution—resolution the 7th; "That the conduct of the company and their servants in India to the king, (meaning the Mogul king,) and Nudjiff Cawn, with respect to the tribute payable to the one, and stipend to the other, and with respect to the transfer of the provinces of Corah and Illahabad to the vizier, was contrary to policy and good faith; and that such wise and practicable measures should be adopted in future, as may tend to redeem the national honor, and recover the confidence and attachment of the princes of India."

This act of injustice, against which we have fulminated the thunder of our resolutions as a heavy crime—as a crime that dishonored the nation, and which measures ought to be taken to redress, this man has the insolence to bring before your lordships as a set-off against the crimes we charge him with. This outrageous defiance of the House of Commons, this outrageous defiance of all the laws of his country, I hope your lordships will not countenance. You will not let it pass for nothing. On the contrary, you will consider it as aggravating, heavily, his crimes; and, above all, you will not suffer him to set off this, which we have declared to be injurious to our national honor and credit, and which he himself does not deny to be a breach of the public

[illegible] other [illegible] him,—[illegible] that he has [illegible]

Your lordships [illegible] much off [illegible] My lords, pray [illegible] Your lordships [illegible] of Nob[illegible] he has [illegible] only [illegible] When Mr. Hastings [illegible] himself upon this shocking and [illegible] breach of faith which required nothing but a base and [illegible] mind, without either talents, courage, or [illegible], except that courage which defies all consequences: which defies shame, which defies the judgment and opinion of his country and of mankind: no other talents than may be displayed by the dash of a pen: you will at least, expect to see a clear and distinct account of what was gained by it.

In the year 1775, at a period when Mr. Hastings was under an eclipse, when honor and virtue, in the character of General Clavering, Colonel Monson, and Mr. Francis sat for a short period at the council board; during that time, Mr. Hastings's conduct upon this occasion was called into question. They called for an account of the revenues of the country; what was received, and what had been paid; and in the account returned, they found the amount of the tribute due to the mogul, £250,000, entered as paid up to October, 1774. Thus far all appeared fair upon the face of it; they took it for granted, as your lordships would take it for granted, at the first view, that the tribute in reality had been paid up to the time stated. The books were balanced; you find a debtor; you find a creditor; every item posted in as regular a manner as possible. Whilst they were examining

this account, a Mr. Croftes, of whom your lordships have heard very often, as accountant general, comes forward and declares, that there was a little error in the account. And what was the error? That he had entered the mogul's tribute for one year more than it had actually been paid. Here we have the small error of a payment to the mogul of £250,000. This appeared strange.—Why, says Mr. Croftes, I never discovered it; nor was it ever intimated to me that it had been stopped from October, 1773, till the other day, when I was informed, that I ought not to have made an entry of the last payments. These were his expressions. You will find the whole relation in the Bengal Appendix, printed by the orders of the court of directors. When Mr. Croftes was asked a very natural question, Who first told you of your mistake? Who acquainted you with Mr. Hastings's orders, that the payment should be expunged from the account?—What is his answer? It is an answer worthy of Mr. Middleton, an answer worthy of Mr. Larkins, or of any of the other white banyans of Mr. Hastings: O! I have forgotten. Here you have an accountant general kept in ignorance, or who pretends to be ignorant of so large a payment as £250,000; who enters it falsely in his account; and when asked, who apprized him of his mistake, says, that he has really forgotten.

Oh, my lords, what resources there are in oblivion, what resources there are in bad memory; no genius ever has done so much for mankind as this mental defect has done for Mr. Hastings's accountants. It was said by one of the ancient philosophers, to a man who proposed to teach people memory —"I wish you could teach me oblivion; I wish you could teach me to forget." These people have certainly not been taught the art of memory, but they appear perfect masters of the art of forgetting. My lords, this is not all; and I must request your lordships' attention to the whole of the account, as it appears in the account of the arrears due to the king, annexed to your minutes. Here is a kind of labyrinth,

where fraud runs into fraud. On the credit side you find stated there eight lacks paid to the vizier, and to be taken from the mogul's tribute, for the support of an army, of which he himself had stipulated to bear the whole expenses. These eight lacks are thus fraudulently accounted for upon the face of the thing; and with respect to eighteen lacks, the remainder of the tribute, there is no account given of it at all. This sum Mr. Hastings must, therefore, have pocketed for his own use, or that of his gang of peculators; and whilst he was pretending to save you eight lacks by one fraud, he committed another fraud of eighteen lacks for himself; and this is the method by which one act of peculation begets another in the economy of fraud.

Thus much of these affairs I think myself bound to state to your lordships upon this occasion; for, although not one word has been produced by the counsel to support the allegations of the prisoner at your bar, yet, knowing that your lordships, high as you are, are still but men, knowing also, that bold assertions and confident declarations are apt to make some impression upon all men's minds, we oppose his allegations. But how do we oppose them?—Not by things of the like nature. We oppose them, by showing you, that the House of Commons, after diligent investigation, has condemned them, and by stating the grounds upon which the House founded its condemnation. We send you to the records of the company, if you want to pursue this matter further, to enlighten your own minds upon the subject. Do not think, my lords, that we are not aware how ridiculous it is for either party, the accuser or the accused, to make here any assertions without producing vouchers for them: we know it; but we are prepared and ready to take upon us the proof: and we should be ashamed to assert any thing, that we are not able directly to substantiate, by an immediate reference to uncontradicted evidence.

With regard to the merits pleaded by the prisoner, we could efface that plea with a single stroke, by saying, there

is no evidence before your lordships of any such merits. But we have done more. We have shown you, that the things which he has set up as merits, are atrocious crimes, and that there is not one of them which does not, in the very nature and circumstances of it, carry evidence of base corruption, as well as flagrant injustice, and notorious breach of public faith.

The next thing that he takes credit for is precisely an act of this description. The mogul had, by solemn stipulation with the company, a royal domain insured to him, consisting of two provinces, Corah and Allahabad. Of both these provinces Mr. Hastings deprived the mogul upon weak pretences, if proved, in point of fact, but which were never proved, in any sense, against him. I allude particularly to his alleged alliance with the Mahrattas, a people, by the way, with whom we were not then at war, and with whom he had as good a right, as Nudjeive Khân, to enter into alliance at that time. He takes these domains, almost the last wrecks of empire left to the descendant of Tamerlane, from the man, I say, to whose voluntary grants we owe it that we have put a foot in Bengal. Surely we ought, at least, to have kept our faith in leaving this last retreat to that unfortunate prince. The House of Commons was of that opinion, and consequently they resolved, "that the transfer of Corah and Illahabad to the vizier was contrary to policy and good faith." This is what the Commons think of this business, which Mr. Hastings pleads as merits.

But I have not yet done with it. These provinces are estimated as worth twenty-two lacks, or thereabouts, that is, about £220,000 a year. I believe they were improvable to a good deal more. But what does Mr. Hastings do? Instead of taking them into the company's possession for the purpose of preserving them for the mogul, upon the event of our being better satisfied with his conduct, or of appropriating them to the company's advantage, he sells them to the nabob of Oude, who he knew had the art, above all men, of de-

stroying a country which he was to keep, or which he might fear he was not to keep, permanent possession of. And what do you think he sold them for? He sold them at a little more than two years' purchase. Will any man believe that Mr. Hastings, when he sold these provinces to the vizier for two years' purchase, (and when there was no man that would not have given ten years' purchase for them,) did not put the difference between the real and pretended value into his own pocket, and that of his associates?

We charge, therefore, first, that this act, for which he assumes merit, was in itself a breach of faith; next, that the sale of these provinces was scandalously conducted; and thirdly, that this sale, at one fifth of the real value, was effected for corrupt purposes. Thus an act of threefold delinquency is one of the merits stated with great pomp by his counsel.

Another of his merits is the stoppage of the pension, which the company was under an obligation to pay to Nudjeive Khân;—a matter, which even if admitted to a merit, is certainly not worth, as a set-off, much consideration.

But there is another set-off of merit, upon which he plumes himself, and sets an exceedingly high value—the sale of the Rohilla nation to that worthless tyrant, the vizier, their cruel and bitter enemy, the cruellest tyrant, perhaps, that ever existed, and their most implacable enemy, if we except Mr. Hastings, who appears to have had a concealed degree of animosity, public, private, or political, against them. To this man he sold this whole nation, whose country, cultivated like a garden, was soon reduced, as Mr. Hastings, from the character of the vizier, knew would be the consequence, to a mere desert, for £400,000; he sent a brigade of our troops to assist the vizier in extirpating these people, who were the bravest, the most honorable, and generous nation upon earth. Those, who were not left slaughtered to rot upon the soil of their native country, were cruelly expelled from it, and sent to publish the merciless

and scandalous behavior of Great Britain from one end of India to the other. I believe there is not an honest, ingenuous, or feeling heart upon the face of the globe, I believe there is no man possessing the least degree of regard to honor and justice, humanity and good policy, that did not reprobate this act. The court of directors, when they heard of it, reprobated it in the strongest manner; the court of proprietors reprobated it in the strongest manner; by the House of Commons, after the most diligent investigation, it was, in a resolution moved by Mr. Dundas, reprobated in the strongest manner: and this is the act which Mr. Hastings brings forward before your lordships as a merit.

But, again, I can prove, that in this, perhaps, the most atrocious of all his demerits, there is a most horrid and nefarious secret corruption lurking. I can tell your lordships, that Sir Robert Baker was offered by this vizier, for about one-half of this very country, namely, the country of the Rohillas, a sum of fifty lacks of rupees, that is, £500,000. Mr. Hastings was informed of this offer by Sir Robert Baker, in his letter of the 24th March, 1773. Still, in the face of this information, Mr. Hastings took for the company only forty lacks of rupees. I leave your lordships to draw your own conclusion from these facts. You will judge what became of the difference between the price offered and the price accounted for, as taken; nothing on earth can hide from mankind why Mr. Hastings made this wicked, corrupt bargain for the extermination of a brave and generous people: why he took £400,000 for the whole of that, for half of which he was offered and knew he might have had £500,000.

Your lordships will observe, that for all these facts there is no evidence on the one side or on the other, directly before you. Their merits have been insisted upon in long and laborious details and discussions, both by Mr. Hastings himself and by his counsel. We have answered them for that reason; but we answer them with a direct reference to records and

papers, from which your lordships may judge of them as set-offs and merits. I believe your lordships will now hardly receive them as merits to set off guilt, since in every one of them there is both guilt in the act, and strong ground for presuming that he had corruptly taken money for himself.

The last act of merit, that has been insisted upon by his counsel, is the Mahratta peace. They have stated to you the distresses of the company, to justify the unhandsome and improper means that he took of making this peace. Mr. Hastings himself has laid hold of the same opportunity of magnifying the difficulties, which, during his government, he had to contend with. Here he displays all his tactics. He spreads all his sails, and here catches every gale. He says, I found all India confederated against you. I found not the Mahrattas alone; I found war through a hundred hostile states fulminated against you; I found the Peshwa, the Nizam, Hyder Ally, the rajah of Berar, all combined together for your destruction. I stemmed the torrent; fortitude is my character. I faced and overcame all these dificulties, till I landed your affairs safe on shore; till I stood the savior of India.

My lords, we of the House of Commons have before heard all this, but we cannot forget that we examined into every part of it, and that we did not find a single fact stated by him, that was not a ground of censure and reprobation. The House of Commons, in the resolutions to which I have alluded, have declared, that Mr. Hastings, the first author of these proceedings, took advantage of an ambiguous letter of the court of directors, to break and violate the most solemn, the most advantageous, and useful treaty, that the company had ever made in India; and that this conduct of his produced the strange and unnatural junction, which, he says, he found formed against the company, and with which he had to combat. I should trouble your lordships with but a brief statement of the facts, and if I do not enter more at large in observing upon them, it is because I cannot but feel shocked

at the indecency and impropriety of your being obliged to hear of that as merit, which the House of Commons has condemned in every part. Your lorships received obliquely evidence from the prisoner at your bar upon this subject; yet when we came and desired your full inquiry into it, your lordships, for wise and just reasons, I have no doubt, refused our request. I must, however, again protest on the part of the Commons against your lordships receiving such evidence at all, as relevant to your judgment, unless the House of Commons is fully heard upon it.

But to proceed.—The government of Bombay had offended the Mahratta states, by a most violent and scandalous aggression. They afterwards made a treaty of peace with them, honorable and advantageous to the company. This treaty was made by Colonel Upton, and is called The Treaty of Porunda. Mr. Hastings broke that treaty, upon his declared principle, that you are to look in war for the resources of your government. All India was at that time in peace. Hyder Ally did not dare to attack us; because he was afraid that his natural enemies, the Mahrattas, would fall upon him. —The nizam could not attack us, because he was also afraid of the Mahrattas—the Mahratta state itself was divided into such discordant branches, as to make it impossible for them to unite in any one object;—that commonwealth, which certainly at that time was the terror of India, was so broken, as to render it either totally ineffective or easy to be resisted; there was not one government in India, that did not look up to Great Britain as holding the balance of power, and in a position to control and do justice to every individual party in it. At that juncture, Mr. Hastings deliberately broke the treaty of Porunda; and afterwards, by breaking faith with and attacking all the powers, one after another, he produced that very union which one would hardly have expected, that the incapacity or ill faith of any governor could have effected. Your lordships shall hear the best and most incontrovertible evidence, both of his incapacity and ill faith, and of the

consequences which they produced. It is the declaration of one of the latest of their allies, concerning all these proceedings. It is contained in a letter from the rajah of Berar, directly and strongly inculpating Mr. Hastings, upon facts which he has never denied, and by arguments which he has never refuted, as being himself the cause of that very junction of all the powers of India against us.

Letter from Beneram Pundit.—"As the friendship of the English is, at all events, the first and most necessary consideration, I will therefore exert myself in establishing peace; for the power of making peace with all is the best object; to this, all other measures are subservient, and will certainly be done by them, the English. You write, that after having laid the foundation of peace with the Pundit Purdhaun, it is requisite that some troops should be sent with General Goddard against Hyder Naig, and take possession of his country, when all those engagements and proposals may be assented to. My reason is confounded in discussing this suggestion, at a time when Hyder Naig is in every respect in alliance with the Peishwa, and has assisted, with his soul and life, to repel the English. For us to unite our troops with those of the enemy, and extirpate him; would not this fix the stamp of infamy upon us for ever? Would any prince, for generations to come, ever after assist us, or unite with the Peishwa? Be yourself the judge, and say, whether such a conduct would become a prince or not.—Why then do you mention it?—why do you write it?

"The case is as follows.—At first there was the utmost enmity between Hyder Naig and the Pundit Purdhaun, and there was the fullest intention of sending troops into Hyder Naib's country; and after the conclusion of the war with Bombay and the capture of Ragonaut Row, it was firmly resolved to send troops into that quarter; and a reliance was placed in the treaty which was entered into by the gentlemen of Bombay before the war; but when Ragonaut again went

to them, and General Goddard was ready to commence hostilities—when no regard was paid to the friendly proposals made by us and the Pundit Peishwa—when they desisted from coming to Poonah, agreeable to their promise, and a categorical answer was given to the deputies from Poonah; the ministers of Poonah then consulted among themselves, and having advised with the nabob Nizam ul Dowlah, they considered that as enemies were appearing on both sides, and it would be difficult to cope with both, what was to be done. Peace must be made with one of them, and war must be carried on with the other. They wished above all things, in their hearts, to make peace with the English gentlemen, and to unite with them to punish Hyder Naig; but these gentlemen had plainly refused to enter into any terms of reconciliation; it was therefore advisable to accommodate matters with Hyder Naig, although he had been long an enemy.—What else could be done? Having nothing left for it, they were compelled to enter into an union with Hyder."

My lords, this declaration, made to Mr. Hastings himself, was never answered by him; indeed, answered it could not be; because the thing was manifest, that all the desolation of the Carnatic by Hyder Ally, all these difficulties upon which he has insisted; the whole of that union by which he was pressed, and against which, as he says, he bore up with such fortitude, was his own work, the consequences of his bad faith and his not listening to any reasonable terms of peace.

But, my lords, see what sort of peace he afterwards made. I could prove, if I were called upon so to do, from this paper, that they have had the folly and madness to produce to you for other purposes, that he might at any time have made a better treaty, and have concluded a more secure and advantageous peace than that which at last he acceded to: that the treaty he made, was both disadvantageous and dishonorable; inasmuch, as we gave up every ally we had, and sacri-

ficed them to the resentment of the enemy: that Mahadajee Scindia gained by it an empire of a magnitude dangerous to our very existence in India: that this chief was permitted to exterminate all the many little gallant nations that stood between us and the Mahrattas, and whose policy led them to guard against the ambitious designs of that government. Almost all these lesser powers, from central India, quite up to the mountains that divide India from Tartary, almost all these, I say, were exterminated by him, or were brought under a cruel subjection. The peace he made with Mr. Hastings was for the very purpose of doing all this; and Mr. Hastings enabled him, and gave him the means of effecting it. Advert next, my lords, to what he did with other allies. By the treaty of Porunda, made by Colonel Upton, and which he flagitiously broke, we had acquired what, God knows, we little merited from the Mahrattas, twelve lacks (£112, 000) for the expenses of the war; and a country of three lacks of annual revenue, the province of Burratch and the Isle of Salset, and other small islands convenient for us upon that coast. This was a great, useful, and momentous accession of territory and of revenue, and we got it with honor; for not one of our allies was sacrificed by this treaty. We had even obtained from the Mahrattas for Ragonaut Row, our support of whom against that government was a principal cause of the war, an establishment of a thousand horse, to be maintained at their expense, and a jaghire for his other expenses, of three lacks of rupees per annum, payable monthly, with leave to reside within their territories, with no other condition than that he should not remove from the place fixed for his residence, for the purpose of exciting disturbances against their government. They also stipulated for the pardon of all his adherents, except four; and the only condition they required from us was, that we should not assist him in case of any future disturbance. But Mr. Hastings, by his treaty, surrendered that country of three lacks of revenue; he made no stipulation for the expenses of the

war, nor indemnity for any of the persons, whom he had seduced into the rebellion, in favor of Ragonaut Row.—He gave them all up to the vengeance of their governments, without a stroke of a pen in their favor, to be banished, confiscated, and undone. And as to Ragonaut Row, instead of getting him this honorable and secure retreat, as he was bound to do, this unfortunate man was ordered to retire to his enemy's (Mahadajee Scindia's) country; or otherwise he was not to receive a shilling for his maintenance. I will now ask your lordships, whether any man, but Mr. Hastings, would claim a merit with his own country, for having broken the treaty of Porunda? Your lordships know the opinion of the House of Commons respecting it; his colleagues in council had remonstrated with him upon it, and had stated the mischiefs that would result from it; and Sir Eyre Coote, the commander of the company's forces, writing at the same time from Madras, states, that he thought it would infallibly bring down upon them Hyder Ally, who, they had reason to think, was bent upon the utter destruction of the power of this country in India, and was only waiting for some crisis in our affairs favorable to his designs. This, my lords, is to be one of the set-offs against all the crimes, against the multiplied frauds, cruelties, and oppressions, all the corrupt practices, prevarications, and swindlings, that we have alleged against him.

My lords, it would be an endless undertaking, and such as at this hour of the day we, as well as your lordships, are little fitted to engage in, if I were to attempt to search into and unveil all the secret motives, or to expose, as it deserves, the shameless audacity of this man's conduct. None of your lordships can have observed, without astonishment, the selection of his merits, as he audaciously calls them, which has been brought before you. The last of this selection, in particular, looks as if he meant to revile and spit upon the legislature of his country; because we and you thought it fit, and were resolved to publish to all India, that we will not

countenance offensive wars; and that you felt this so strongly, as to pass the first act of a kind that was ever made; namely, an act to limit the discretionary power of government in making war solely; and because you have done this solely, and upon no other account, and for no other reason under heaven, than the abuse which that man at your bar has made of it, and for which abuse he now presumes to take merit to himself. I will read this part of the act to your lordships.

[Mr. Burke here read 24th Geo. 3, cap. 24, sect. 34.]

"And whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honor, and policy of the nation; Be it therefore further enacted by the authority aforesaid, That it shall not be lawful for the governor-general and council of Fort William aforesaid, without the express command and authority of the said court of directors, or of the secret committee of the said court of directors, in any case, (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities against the British nation in India, or against some of the princes or states dependent thereon, on whose territories the said united company shall be at such time engaged by any subsisting treaty to defend or guaranty,) either to declare war or commence hostilities, or enter into any treaty for making war, against any of the country princes or states in India, or any treaty for guarantying the possessions of any country princes or states; and that in such case it shall not be lawful for the said governor-general and council to declare war, or commence hostilities, or enter into treaty for making war, against other prince or state than such as shall be actually committing hostilities or making preparations as aforesaid, or to make such treaty for guarantying the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the company against such hostilities com-

menced or preparations made as aforesaid; and in all cases where such hostilities shall be commenced or treaty made, the said governor-general and council shall, by the most expeditious means they can devise, communicate the same unto the said court of directors, together with a full state of the information and intelligence upon which they shall have commenced such hostilities or made such treaties, and their motives and reasons for the same at large."

It is the first act of the kind that ever was made in this kingdom, the first statute, I believe, that ever was made by the legislature of any nation upon the subject, and it was made solely upon the resolutions to which we had come against the violent, intemperate, unjust, and perfidious acts of this man at your lordships' bar, and which acts are now produced before your lordships as merits.

To show further to your lordships, how necessary this act was, here is a part of his own correspondence, the last thing I shall beg to read to your lordships, and upon which I shall make no other comment, than that you will learn from it how well British faith was kept by this man; and that it was the violation of British faith, which prevented our having the most advantageous peace, and brought on all the calamities of war.

It is part of a letter from the minister of the rajah of Berar, a man called Beneram Pundit, with whom Mr. Hastings was at the time treating for a peace; and he tells him why he might have had peace at that time, and why he had it not; and that the cause of it was his own ridiculous and even buffoonish perfidiousness, which exposed him to the ridicule of all the princes of India, and with him the whole British nation.

"But afterwards reflecting that it was not advisable for me to be in such haste, before I had understood all the contents of the papers; I opened them in the presence of the Maha rajah, when all the Kharetas letter, copies, and treaties,

were perused with the greatest attention and care. First, they convinced us of your great truth and sincerity, and that you never, from the beginning to this time, were inclined to the present disputes and hostilities; and next, that you have not included in the articles of the treaty, any of your wishes or inclinations, and, in short, the garden of the treaty appeared to us, in all its parts, green and flourishing. But though the fruits of it were excellent, yet they appeared different from those of Colonel Upton's treaty, (the particulars of which I have frequently written to you,) and upon tasting them, proved to be bitter and very different, when compared to the former articles. How can any of the old and established obligations be omitted, and new matters agreed to, which it is plain that they will produce and damage? Some points which you have mentioned, under the plea of the faith and observance of treaties, are of such a nature, that the Poonah ministers can never assent to them; in all engagements and important transactions, in which the words *but*, and *although*, and *besides*, and *whereas*, and *why*, and other such words of doubt are introduced, it gives an opening to disputes and misunderstandings. A treaty is meant for the entire removal of all differences, not for the increase of them. My departure for Poonah has therefore been delayed." My lords, consider to what ironies and insults this nation was exposed, and how necessary it was for us to originate that bill, which your lordships passed into an act of parliament, with his majesty's assent; the words *but*, *although*, *besides*, *whereas*, and *why*, and such like are introduced to give an opening, and so on. Then he desires him to send another treaty, fit for him to sign.

"I have therefore kept the treaty with the greatest care and caution in my possession, and have taken a copy of it; I have added to each article another, which appeared to me proper and advisable; and without any loss or disadvantage to the English, or any thing more in favor of the Pundit

Purdhaun than was contained in the former treaties. This I have sent to you, and hope that you will prepare and send a treaty conformable to that, without any *besides*, or *if*, or *why*, or *but*, and *whereas*, that as soon as it arrives, I may depart for Poonah, and having united with me Row Mahadajee Scindia, and having brought over the nabob, Nizam ul Dowlah, to this business, I may settle and adjust all matters which are in this bad situation. As soon as I have received my dismission from thence, I would set off for Calcutta, and represent to you every thing, which for a long while I have had in my mind, and by this transaction erect to the view of all the world the standard of the greatness and goodness of the English, and of my masters, and extinguish the flames of war with the waters of friendship. The compassing all those advantages and happy prospects depends entirely upon your will and consent; and the power of bringing them to an issue is in your hands alone."

My lords, you may here see the necessity there was for passing the act of parliament, which I have just read to you, in order to prevent in future the recurrence of that want of faith, of which Mr. Hastings had been so notoriously guilty, and by which he had not only united all India against us, and had hindered us from making, for a long time, any peace at all, but had exposed the British character to the irony, scorn, derision, and insult of the whole people of that vast continent.

My lords, in the progress of this impeachment, you have heard our charges; you have heard the prisoner's plea of merits; you have heard our observations on them. In the progress of this impeachment, you have seen the condition in which Mr. Hastings received Benares; you have seen the condition in which Mr. Hastings received the country of the Rohillas; you have seen the condition in which he received the country of Oude; you have seen the condition in which he received the provinces of Bengal; you have seen the

condition of the country when the native government was succeeded by that of Mr. Hastings; you have seen the happiness and prosperity of all its inhabitants, from those of the highest to those of the lowest rank. My lords, you have seen the very reverse of all this under the government of Mr. Hastings; the country itself, all its beauty and glory ending in a jungle for wild beasts. You have seen flourishing families reduced to implore that pity, which the poorest man and the meanest situation might very well call for. You have seen whole nations in the mass reduced to a condition of the same distress. These things in his government at home: abroad, scorn, contempt, and derision cast upon and covering the British name; war stirred up, and dishonorable treaties of peace made, by the total prostitution of British faith. Now take, my lords, together all the multiplied delinquencies which we have proved, from the highest degree of tyranny to the lowest degree of sharping and cheating, and then judge, my lords, whether the House of Commons could rest for one moment, without bringing these matters, which have baffled all legislation at various times, before you, to try at last what judgment will do. Judgment is what gives force, effect, and vigor to laws; laws without judgment are contemptible and ridiculous; we had better have no laws, than laws not enforced by judgments, and suitable penalties upon delinquents. Revert, my lords, to all the sentences which have heretofore been passed by this high court. Look at the sentence passed upon Lord Bacon; look at the sentence passed upon Lord Macclesfield, and then compare the sentences, which your ancestors have given, with the delinquencies which were then before them, and you have the measure to be taken in your sentence upon the delinquent now before you. Your sentence, I say, will be measured according to that rule which ought to direct the judgment of all courts in like cases, lessening it for a lesser offence, and aggravating it for a greater, until the measure of justice is completely full.

My lords, I have done; the part of the Commons is concluded. With a trembling solicitude we consign this product of our long, long labors, to your charge. Take it!—take it! It is a sacred trust. Never before was a cause of such magnitude submitted to any human tribunal.

My lords, at this awful close, in the name of the Commons, and surrounded by them, I attest the retiring, I attest the advancing generations, between which, as a link in the great chain of eternal order, we stand.—We call this nation, we call the world to witness, that the Commons have shrunk from no labor; that we have been guilty of no prevarication; that we have made no compromise with crime; that we have not feared any odium whatsoever, in the long warfare which we have carried on with the crimes—with the vices—with the exorbitant wealth—with the enormous and overpowering influence of Eastern corruption. This war, my lords, we have waged for twenty-two years, and the conflict has been fought at your lordships' bar for the last seven years. My lords, twenty-two years is a great space in the scale of the life of man; it is no inconsiderable space in the history of a great nation. A business, which has so long occupied the councils and the tribunals of Great Britain, cannot possibly be huddled over in the course of vulgar, trite, and transitory events. Nothing but some of those great revolutions, that break the traditionary chain of human memory, and alter the very face of nature itself, can possibly obscure it. My lords, we are all elevated to a degree of importance by it; the meanest of us will, by means of it, more or less, become the concern of posterity; if we are yet to hope for such a thing in the present state of the world, as a recording, retrospective, civilized posterity; but this is in the hands of the great Disposer of events; it is not ours to settle how it shall be. My lords, your House yet stands; it stands as a great edifice; but let me say, that it stands in the midst of ruins; in the midst of the ruins, that have been made by the greatest moral earthquake that ever convulsed and shat-

tered this globe of ours. My lords, it has pleased Providence to place us in such a state, that we appear every moment to be upon the verge of some great mutations. There is one thing, and one thing only, which defies all mutation; that which existed before the world, and will survive the fabric of the world itself; I mean justice; that justice, which, emanating from the Divinity, has a place in the breast of every one of us, given us for our guide with regard to ourselves, and with regard to others, and which will stand, after this globe is burned to ashes, our advocate or our accuser before the great Judge, when He comes to call upon us for the tenor of a well-spent life.

My lords, the Commons will share in every fate with your lordships; there is nothing sinister which can happen to you, in which we shall not be involved; and if it should so happen that we shall be subjected to some of those frightful changes, which we have seen; if it should happen that your lordships, stripped of all the decorous distinctions of human society, should, by hands at once base and cruel, be led to those scaffolds and machines of murder, upon which great kings and glorious queens have shed their blood, amidst the prelates, amidst the nobles, amidst the magistrates, who supported their thrones, may you in those moments feel that consolation, which I am persuaded they felt in the critical moments of their dreadful agony!

My lords, there is a consolation, and a great consolation it is, which often happens to oppressed virtue and fallen dignity; it often happens that the very oppressors and persecutors themselves are forced to bear testimony in its favor. I do not like to go for instances a great way back into antiquity. I know very well, that length of time operates so as to give an air of the fabulous to remote events, which lessens the interest and weakens the application of examples. I wish to come nearer to the present time. Your lordships know and have heard, for which of us has not known and heard of the parliament of Paris? The parliament of Paris had an

origin very, very similar to that of the great court before which I stand; the parliament of Paris continued to have a great resemblance to it in its constitution, even to its fall; the parliament of Paris, my lords, WAS; it is gone! It has passed away; it has vanished like a dream! It fell, pierced by the sword of the Compte de Mirabeau. And yet I will say, that that man, at the time of his inflicting the death wound of that parliament, produced at once the shortest and the grandest funeral oration that ever was or could be made upon the departure of a great court of magistracy. Though he had himself smarted under its lash, as every one knows who knows his history, (and he was elevated to dreadful notoriety in history,) yet when he pronounced the death sentence upon that parliament, and inflicted the mortal wound, he declared that his motives for doing it were merely political, and that their hands were as pure as those of justice itself, which they administered—a great and glorious exit, my lords, of a great and glorious body! And never was a eulogy pronounced upon a body, more deserved. They were persons in nobility of rank, in amplitude of fortune, in weight of authority, in depth of learning, inferior to few of those that hear me. My lords, it was but the other day, that they submitted their necks to the axe! but their honor was unwounded. Their enemies, the persons who sentenced them to death, were lawyers, full of subtlety; they were enemies, full of malice; yet lawyers full of subtlety, and enemies full of malice, as they were, they did not dare to reproach them with having supported the wealthy, the great, and powerful, and of having oppressed the weak and feeble, in any of their judgments, or of having perverted justice in any one instance whatever, through favor, through interest, or cabal.

My lords, if you must fall, may you so fall! But if you stand, and stand I trust you will, together with the fortune of this ancient monarchy—together with the ancient laws and liberties of this great and illustrious kingdom, may you stand as unimpeached in honor as in power; may you stand

not as a substitute for virtue, but as an ornament of virtue, as a security for virtue; may you stand long, and long stand the terror of tyrants; may you stand the refuge of afflicted nations; may you stand a sacred temple, for the perpetual residence of an inviolable justice.

END OF VOLUME EIGHTH.

JAN 28 1952